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LOK SABHA DEBATES

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LOK SABHA SECRETARIAT
NEW DELHI

[illegible] P. (ENGLAND)

THREE SHILLINGS (FOREIGN

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*The sign + marked above a name indicates that the Question was actually asked on the floor of the House by that Member.

LOK SABHA

Wednesday, 12th February, 1958

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair.*]

ORAL ANSWERS TO QUESTIONS

Holiday Homes

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*50. { Shri Radha Raman:
Shri Rameshwar Tantia:

Will the Minister of **Railways** be pleased to state:

(a) whether Government have under consideration any scheme for providing cheap holiday homes to their officers on similar lines as have been provided for their non-gazetted staff;

(b) if so, the main features of this proposal and when the same is expected to be finalised; and

(c) what would be the annual estimated expenditure of the project and how many officers are likely to be benefited by this scheme?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) to (c). The question of providing holiday homes for gazetted officers on the Railways similar to those provided for non-gazetted staff is under consideration. The details are yet to be finalised.

Shri Radha Raman: May I know whether it is in the consideration of the Government to acquire for these holidays homes such buildings as are available in big hill stations, so that there is a proper and better utilisation of those buildings?

Shri Shahnawaz Khan: I am asure this thing will also be borne in mind when we are selecting places for holiday homes.

Shri Radha Raman: May I know when the hon. Minister thinks this scheme will be finalised and whether similar schemes will also be introduced for lower staff?

Shri Shahnawaz Khan: Perhaps the hon. Member is not aware that the scheme for lower staff has already been introduced and holiday homes for Class III and Class IV staff have already been opened. We have asked for information from various railways for opening homes for officers. Information is still coming in and we are not yet ready to open them.

श्री म० ला० द्विवेदी : इन हालिडे होम्स के लिए सरकार ने इस वर्ष कितना रुपया मुकर्रर किया है और यह इन्फार्मेशन जब आ जाएगी, तो क्या उसको सदन के पटल पर रखा जाएगा ?

श्री शाहनवाज खां : जैसा मैंने कहा अभी तो हमने खबरें मांगी हैं । रेलवेस हम को इत्तिला भेज रही हैं। जब वे आ जायगी तब उसे सदन के पटल पर रखने में हमें कोई तकलीफ महसूस नहीं होगी ।

Shri M. L. Dwivedi: He has not replied to a part of my question. I wanted to know the money earmarked for this purpose.

The Minister of Railways (Shri Jagjivan Ram): No money has been earmarked for this. Only the scheme is under consideration and as much money as will be necessary will be provided.

Pandit D. N. Tiwary: May I know what is the annual expenditure for holiday homes for non-gazetted officers?

Shri Shahnawaz Khan: It is the different railways that meet the expenditure. The information is not readily available with me. I shall require notice.

Shri T. B. Vittal Rao: There are only a few holidays homes, i.e. about 6 or 7 for the non-gazetted staff, Do the Railway Board propose to increase the number?

Shri Jagjivan Ram: The number will be increased to as many as will be required by Class III and Class IV staff.

Steamer Service between India and U.S.A.

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*51. **Shri S. C. Samanta:**
Shri Barman:
Dr. Ram Subhag Singh:

Will the Minister of **Transport and Communications** be pleased to refer to the reply given to Starred Question No. 1345 on the 19th December, 1957 and state:

(a) whether any decision has since been taken on the request for permission to float a new shipping company for operating a cargo service between India and U.S.A.; and

(b) if so, when the new company is likely to operate?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) No.

(b) No indication in this regard can be given at this stage.

Shri S. C. Samanta: May I know whether the estimate of the new company has been submitted to the Government and what is the estimated capital?

Shri Raj Bahadur: They have applied for an authorised capital of Rs. 5 crores and a paid-up capital of Rs. 1 crore.

श्री रघुनाथ सिंह : इस कैपिटल में हिन्दुस्तानियों का क्या हिस्सा होगा और फारेन कनर्सन्स का क्या हिस्सा होगा ?

श्री राज बहादुर : अभी यह स्पष्ट नहीं है।

Shri S. C. Samanta: May I know whether they intend to use ships built in India or ships from abroad?

श्री राज बहादुर : यह चीज अभी नहीं कही जा सकती है।

Shri Ranga: Who is going to start this? Is it going to be a private one or a company that is being encouraged by the Government of India, because the hon. Minister said that he is not quite clear whether there is going to be any foreign partnership in it or foreign ownership?

Shri Raj Bahadur: It is entirely a venture on the part of private enterprise.

Shri Ramanathan Chettiar: In view of the declared policy of the Government that Government will not encourage foreign interests in the shipping line, has the Government departed from this declared policy?

Shri Raj Bahadur: I do not think there is any such declaration that we shall not encourage them. The resolution which was passed on this subject by the Government a few years back holds the field.

Shri Heda: The hon. Minister said in reply to part (b) of the question that no indication can be given. In view of the increasing freight between U.S.A. and India, may I know why the decision is being delayed and when it will be taken?

Shri Raj Bahadur: It is a question of availability of ships and a suitable company that can float the service.

Dr. Ram Subhag Singh: Question 95 may also be taken up along with question 52.

Mr. Speaker: Is the Minister inclined to do it?

The Minister of Irrigation and Power (Shri S. K. Patil): I do not mind if you permit.

Water Resources for Irrigation in the Country

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*52. **Shri Barman:**
Shri S. C. Samanta:
Shri Subodh Hasda:

Will the Minister of **Irrigation and Power** be pleased to state:

(a) the present volume of water available for irrigation from various resources in the country; and

(b) the quantity availed of during the year 1957 from Damodar Valley resources?

The Minister of Irrigation and Power (Shri S. K. Patil): (a) The total river water resources of India in a normal year are estimated at 1356 million acre-feet. Of this, the river flow that could be utilised is estimated at approximately 450 million acre-feet.

(b) 1,43,000 acres received Kharif irrigation during 1957. Information regarding the actual quantity availed of is not available.

Land Irrigated by D.V.C. Irrigation System

*95. **Dr. Ram Subhag Singh:** Will the Minister of **Irrigation and Power** be pleased to refer to the reply given to Starred Question No. 543 on the 1st August, 1957 and state the acreage of land irrigated by D.V.C. irrigation systems in (i) Bihar, and (ii) West Bengal in 1957?

The Minister of Irrigation and Power (Shri S. K. Patil): Bihar..Nil West Bengal..1,43,000 acres.

Shri Barman: May I know the total acreage that was served in the year 1957 by all our irrigation projects, including major and minor irrigation schemes and the total additional area that will be served during the rest of the Second Five Year Plan, *i.e.*, by 1960?

Shri S. K. Patil: Out of the total culturable area of 420 million acres—420 is a bad figure—the area under cultivation during 1950-51 was 266 million acres. Even out of this, only 51·5 million acres received assured supply of water through regular schemes. This figure has gone up to 65·3 million acres at the close of the First Five Year Plan. The Second Five Year Plan is expected to add about 21 million acres more to this figure.

Shri Barman: May I know the total area that will be served by the Damodar Valley Scheme when the full scheme is in operation?

Shri S. K. Patil: Under the Damodar Valley Scheme, the total area will be 10,44,000 acres. As my reply has indicated, last year 1,43,000 acres were actually under cultivation. This figure of 10 lakhs depends on several factors, namely, all the canals, channels and water courses right up to the fields, the delta areas, the pick-up weirs and all that. When this will be completed is merely a matter of guess, but surely it will take some years.

श्री म० ला० द्विवेदी : पिछली मर्तबा पत्रों में इस आशय का एक बयान छपा था कि जितने हमारे पास पानी के सिंचाई के साधन मौजूद हैं उनमें से ६० फ़ीसदी के करीब इस्तेमाल नहीं हो पाते हैं, मैं जानना चाहता हूं कि केन्द्रीय सरकार ने राज्य सरकारों पर क्या जोर डाला है और अब तक क्या सफलता मिली है इस बारे में कि यह जो हमारे पास सिंचाई के साधन हैं वे पूरी तौर से इस्तेमाल में आने लगें ?

श्री स० का० पाटिल : मैं इसको आवश्यकता की मानता हूं और इसका उत्तर बार बार मैं यहां पर दे चुका हूं । इस सम्बन्ध में

प्राइम मिनिस्टर ने और एग्रीकल्चर मिनिस्टर ने स्टेट गवर्नमेंटस को लिखा है और कितना प्रेशर राज्य सरकारों पर डालना चाहिए वह उन पर डाला जा रहा है ?

श्री म० ला० द्विवेदी : अब तक क्या फायदा हुआ ?

श्री स० का० पाटिल : यह तो अभी आगे चल कर मालूम पड़ेगा कि पिछले वर्ष में क्या हुआ"।

Shri S. C. Samanta: May I know whether the water resources for irrigation have not as yet been tapped and they are to be taken up in the next Plan?

Shri S. K. Patil: I have said in that reply that water resources that could be utilised in the end or of the order of 450 million acre-feet. Before the Plan began, we were not exploiting more than 5·6 per cent. It has now gone up to about 10 per cent, and possibly in another five years, it will rise only by a couple of per cent. When I talk of the total water resources, it is of a big order, namely 450 million acre-feet, but I do not know how many decades it will take until we come to that last figure.

Shrimati Tarkeshwari Sinha: In view of the fact that a huge amount of water remains unutilised, and in view of the answer given by the Minister in reply to questions asked previously that some standardisation and practical fixing of the rate and some changes in the betterment levy are under the consideration of Governmeht, may I know how far that consideration has materialised, and whether Government have come to any conclusion about changing the water rates?

Shri S. K. Patil: This is merely a question for the State Governments. We can only use our good offices in the matter; we can do nothing beyond that. But so far as the Bengal Government are concerned, they are vitally concerned about the irrigation from the DVC project. They have fixed some rate, which is Rs. 9 or 10 per acre. But it could not fructify because the peasants have got to be trained in it, and for this year, the Government of Bengal have given them free use of water in order that they should be so trained, and later on, they may realise that levy of Rs. 9 or 10 per acre.

Shri Pattabhi Rama: Now that the blue-print for the Godavari channel is ready, may I know whether that work is also going to be started for irrigation purposes?

Shri S. K. Patil: That is also a matter for the State Government. When they come to some conclusion, we shall examine it.

Shri Thirumala Rao: Which State Government?

Mr. Speaker: Each State Government. Is there any particular place or river which does not belong to a State in the first instance?

Shri Thirumala Rao: The Godavari does not belong to the Tamilnad.

Telegraph Enquiry Committee

*54. **Shri A. K. Gopalan:**
Shri S. M. Banerjee:
Shri Jagdish Awasthi:
Shri Bhakt Darshan:
Shri S. C. Samanta:

Will the Minister of **Transport and Communications** be pleased to refer to the reply given to the Starred Question No. 47 on the 12th November, 1957 and state:

(a) whether the Telegraph Enquiry Committee has submitted its report; and

(b) if so, what are its recommendations?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) No.

(b) Does not arise.

Shri A. K. Gopalan: May I know the approximate time by which the Committee will submit its report?

Shri Raj Bahadur: I think it will yet take about six to eight months for the report to be presented.

Shri Tangamani: May I know whether one of the members on the Committee, Mr. M. N. Gaur, is a telegraph operator and is recognised as a representative of the trade unions, and if so, whether he is still continuing on that Committee?

Shri Raj Bahadur: He is still on the Committee.

Shri S. M. Banerjee: May I know the specific items which this particular Committee is considering, and whether revision of pay scales of telegraphists is also one of the items for consideration?

Shri Raj Bahadur: The broad terms of reference of the Committee have been publicised earlier, but I may refer to them here again. The Committee is to study the present method of operation, particularly in regard to picking, transmission, circulation and delivery of messages with a view to achieve an effective improvement in service. Then, the Committee has got to go into matters of staff and establishment also, which might include standards for operational staff and avenues and methods of promotion etc.

Shri T. B. Vittal Rao: May I know when this Committee started functioning? If I remember aright, it was in December, 1956 that the Minister announced about the constitution of this committee.

Shri Raj Bahadur: The announcement in regard to the intention that the Committee should be established was made as far back as December, 1956, but the Committee itself was constituted or established, I think, as late as August or September, 1957; and the Secretariat started functioning a little before, that is, from 5th June, 1957.

श्री अच्युत पटवर्धन : श्रीमन, क्या गवर्नमेंट के ध्यान में यह बात आई है कि इस कमेटी के कार्य में देरी होने का एक कारण यह भी है कि इसके चेअरमैन को पार्टटाइम यानी उनको हेडक्वार्टर में भी ड्यूटी देने के लिए आना पड़ता है तो क्या इस पर विचार किया है कि एक फुलटाईम चेअरमैन रक्खा जाय जो कि इस काम को निबटाये ?

श्री राज बहादुर : इसमें जो डी० डी० टी० हैं, वह इसके चेअरमैन हैं लेकिन उनके ही नीचे एक ऊंचे रैंक के अफसर श्री के० बी० पाई हैं जो कि वाइस चेअरमैन हैं और जो कि अधिकांश काम को देखते हैं।

Shri S. C. Samanta: May I know whether this committee will deal with the jurisdiction of telegraph circles?

Shri Raj Bahadur: It will make recommendations in regard to such matters as it thinks necessary in the interests of effective improvement of the service.

Indo-Pak. Canal Waters Dispute

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*55. **Shri Jagdish Awasthi:**
Shri A. K. Gopalan:
Shri S. M. Banerjee:
Shri Rameshwar Tantia:
Shri V. C. Shukla:
Dr. Ram Subhag Singh:
Shri Mohan Swarup:
Shri D. C. Sharma:
Shri Jaganatha Rao:
Shri Supakar:
Shri M. L. Dwivedi:
Shri Raghunath Singh:
Shri S. C. Samanta:
Pandit D. N. Tiwary:
Shri Assar:
Shri Vajpayee:
Shri Ajit Singh Sarhadi:
Shri S. V. Ramaswami:
Shri Shobha Ram:
Shrimati Mafida Ahmed:
Shri Bimal Ghose:
Shri Hem Barua:
Shri Ram Krishan:
Shri Harish Chandra Mathur:
Shri N. R. Munisamy:

Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the *ad-hoc* agreement between India and Pakistan for canal

waters came to an end on the 31st December, 1957;

(b) whether any fresh agreement on an ad-hoc or permanent basis has been entered into after that date;

(c) the result of the recent efforts made by Mr. W. A. B. Iliff, Vice-President of the World Bank towards the settlement of the Indo-Pak canal water dispute;

(d) whether it is a fact that the Minister of Industries of Pakistan has stated in Pakistan Assembly on the 30th December, 1957 that Pakistan would agree to arbitration on the canal waters dispute;

(e) whether Government have received any communication from Pakistan Government to that effect; and

(f) if so, the reaction of Government thereto?

The Minister of Irrigation and Power (S. K. Patil): (a) and (b): The last agreement between the Governments of India and Pakistan for *ad hoc* transitional arrangements expired on the 31st March, 1957.

No further agreement has been reached between the two Governments for any period subsequent to the 31st March, 1957.

The arrangements for co-operative work between India, Pakistan and the Bank, which had formally been extended upto 31st December, 1957, have also expired. It is understood, however, that the Bank would informally continue to lend its good offices towords finding a solution acceptable to both sides.

(c) During his recent visit to India and Pakistan, Mr. Iliff discussed with the two Governments possibilities of various approaches towards a settlement of the canal water dispute. These discussions have not yet led to any concrete result.

(d) Government have seen press reports of a statement in which the Pakistan Minister of Industries and Commerce is reported to have said that Pakistan is willing to submit disputed questions to arbitration.

(e) and (f). The Government of India have not received any communication on the subject directly from the Government of Pakistan. The Bank Proposal of February, 1954, clearly states that where two sovereign authorities are concerned, problems relating to the development of water resources must be solved by negotiation and agreement rather than by decision. However, in case the Government of Pakistan agree to a settlement on the basis of the Bank Proposal of February, 1954, the Government of India have already indicated their willingness to establish, if necessary, an appropriate procedure for arbitrating disputes concerning the allocation of costs in accordance with the Bank Proposal.

श्री जगदीश अवस्थी : क्या मंत्री जी यह बताने की कृपा करेंगे कि वर्ल्ड बैंक के वाइस-प्रेसीडेंट के बीच में पड़ जाने के फलस्वरूप अगर कोई समझोता नहीं होता है तब भारत सरकार इस सम्बन्ध में विवाद को समाप्त करने के लिये क्या सोच रही है ?

Shri S. K. Patil: That question also has been answered very often. The World Bank is only using its good offices, but the solution in the main rests with the two governments, namely the Pakistan Government and the Government of India. We have said that by 1962, when we shall be in a position to divert this water, we would divert it.

Shri Tyagi: In view of the fact that the agreements have expired and their terms also have expired, may I know whether the water is still flowing down the channels, and if so, whether the irrigation charges are made good?

Shri S. K. Patil: The water still flows in the channels in the same manner as if those agreements were continuing.

Shri Tyagi: Is regular payment being received from Pakistan for water?

Shri S. K. Patil: The payment for the undisputed items is being almost regularly received. So far as the disputed items are concerned, as I have said in this House before, because it is not to be received by us, it is to be deposited in an escrow account, but it is not being deposited for some time.

Sardar Iqbal Singh: As there is no *ad hoc* agreement this year, may I know under what provision canal water has been provided to Pakistan when they have not paid our dues?

Shri S. K Patil: We have got that old agreement of 4th May, 1948 All these *ad hoc* arrangements were in pursuance of that. Therefore, under that agreement, water continues to be given

Shri Hem Barua: Is the attention of Government drawn to the statement made by the Industries Minister of Pakistan that there can be no deadline for an overall settlement of this dispute as indicated by our Minister of Irrigation and Power, if India has to honour the principles formulated by the World Bank? If so, what steps do Government propose to take?

Shri S. K. Patil: Our attention is drawn to every statement that any responsible Minister of Pakistan makes on this subject. We call it a 'deadline'—it is not a very happy expression; but it only means that that is the time-limit we have given. The World Bank wanted five years. We have extended it by another two or three years. In reasonableness, India cannot go beyond that.

Shri D. C. Sharma: May I know if there has been any direct negotiations between the Minister of Irrigation and Power in India and his opposite number in Pakistan with regard to a settlement of the dispute? If not, could not this aproach be tried?

Shri S. K. Patil: It is a matter of guess as to what could have happened, but as it has happened, the World Bank has offered its good offices and we are convinced of the sincerity and genuineness of that offer.

Shrimati Renuka Ray: What roughly is the total amount due to India which has not been paid over the disputed items?

Shri S. K. Patil: I do not want to give any rough figure. I require notice.

Some hon. Members *rose—*

Mr. Speaker: Why should hon. Members think that the question hour is the hour where every question ought to be exhausted? Why should they not make use of the opportunities for half-hour, one hour, one and a half hour, two hour and two and a half hour discussions? They can always make an application on important matters I will certainly allow such discussion This will stand over for a half-hour discussion, whichever hon. Member gives notice I have been on this question for about 10 minutes now.

Shri M L. Dwivedi: There are several questioners over that question. They should have been allowed to ask supplementaries first and others later on.

Mr. Speaker: Hon Members should understand me correctly. Hereafter, if such insistence is made, I will allow only one questioner's name to appear above a question. Other names will be barred (*Interruptions*). I am only making a suggestion. I am trying to give opportunities to every hon. Member whose name appears here and to other hon. Members. As a matter of fact, just now I received a letter from Dr. Ram Subhag Singh to the effect that so many other hon. Members get up and ask questions but the Members in whose names the question is put are left out. This is what happens occasionally. But every one who has tabled a question cannot have an opportunity, just refusing opportunity

to others. With respect to an important matter, if after two or three questions, there is still elucidation required, I shall allow a half hour discussion. Hon. Members are not using it properly. That is my difficulty.

Shri D. C. Sharma: There will be no quorum.

श्री म० ला० द्विवेदी : अभी पिछले दिनों अखबारों में यह समाचार निकला है कि ३१ दिसम्बर से नहरों से पाकिस्तान को पानी देना बन्द कर दिया जायेगा । मैं जानना चाहता हूं कि क्या अभी तक मिनिस्टर साहब ने इस बात की इतला प्राप्त नहीं की है, यह जो पानी बन्द नहीं किया गया है इसका क्या कारण है ?

श्री स० का० पाटिल : पानी बन्द नहीं करना था इस लिये बन्द नहीं किया गया । अखबारों में किया निकला है यह मुझे मालूम नहीं ।

Air Transport Council

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*56. **Shri Gajendra Prasad Sinha:**
Shri L. Achaw Singh:
Dr. Ram Subhag Singh:
Shri Morarka:
Shri Nathwani:
Shri Vajpayee:
Shri Harish Chandra Mathur:
Shrimati Ila Palchoudhuri:
Shri Vasudevan Nair:
Shri Punnoose:
Shri M. L. Dwivedi:
Shri Raghunath Singh:
Shri D. C. Sharma:

Will the Minister of **Transport and Communications** be pleased to state:

(a) whether the Government have accepted the recommendations of the Air Transport Council to increase the air fares and freight rates of Indian Airlines Corporation and also to introduce two classes for internal air travel;

(b) whether the attention of the Government has been drawn to the general feeling against increase of fares for Assam, Manipur and Tripura on account of special transport difficulties of the area;

(c) what are the other recommendations made by the Council; and

(d) the Government's decision thereon?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) The Indian Airlines Corporation have submitted proposals for the revision of passenger fares on the basis of the recommendations contained in the majority report of the Air Transport Council, and these proposals are under consideration. The Corporation have not so far submitted proposals for the revision of freight rates and the introduction of two classes for internal air travel, which are being considered by them.

(b) The Government have seen certain comments to this effect in some newspapers of this region.

(c) A copy of the Air Transport Council's Report on the Indian Airlines Corporation's fares and freight rates, which contains a summary of its recommendations has already been laid on the Table of the Lok Sabha on 21-12-57.

(d) The Report of the Council is still under consideration.

Shri Gajendra Prasad Sinha: Is it a fact that passenger earnings in 1956 and 1957 touched the maximum record? If so, what is the reason for increasing the rates?

Shri Humayun Kabir: It is true that the number of passengers has increased and, therefore, passenger earnings

have also gone up. But similarly, the costs have also gone up. Hon. Members will remember that the loss last year was of the order of about Rs. 1 crore and 10 lakhs.

Shri Gajendra Prasad Sinha: With the introduction of bigger and faster Viscounts, and use of cheaper fuel, the cost of operation will go down. So what is the other reason for increasing the fares? Also, what will be the effect on the traffic consequent on increase in fares?

Shri Humayun Kabir: All these factors will be taken into consideration when a final decision is taken. I can inform the hon. Member that the introduction of the Viscounts has meant some increase in the per hour cost of operation.

Some hon. Members rose—

Mr. Speaker: This matter may be taken up during the debate on the Address and during the budget debate. There are many opportunities.

Shri Hem Barua: With a view to popularities air travel and traffic delivery and facilitate communication with transport-bottlenecked States like Assam, Tripura and Manipur, have Government proposed to devise fare differentials between services on government duty and on firms account and rural services like those to Assam, Tripura and Manipur operated by, may I say, less comfortable aircraft?

Shri Humayun Kabir: The special difficulties of Assam have been kept in mind and, therefore, even in the recommendations made by the Airlines Corporation, out of the 61 sectors operated in Assam by the Corporation, fares will be increased in 26, decreased in 10 and will remain constant in 25. I may add for the information of the hon. Member that I have also asked the Corporation to examine whether in some of these areas, a special type of austerity service at a slightly lower cost may not be introduced. But I would repeat that the fares cannot be very substantially reduced.

Sardar Iqbal Singh: May I know whether Government have inquired into the reasons for the loss in spite of increase of fares? Is it due to purchasing a wrong type of aircraft?

Shri Humayun Kabir: There has been no increase so far. It is only under examination.

Shri Gajendra Prasad Sinha: Is it not a fact that recently the Corporation increase the expenditure on establishment by Rs. 52 lakhs or more? If so, is there any possibility of reducing cost of establishment which is already more than 30 per cent?

Shri Humayun Kabir: It is true that the establishment cost has increased since 1954. One of the major reasons is certain awards and also the introduction of certain standard hours and regulations which were not formerly the practice in the private airline corporations. But I can assure the hon. Member that every attempt is being made to see that there is economy wherever possible. I hope we shall be able to give a much more favourable report in a year or two.

Mr. Speaker: Dr. Ram Subhag Singh.

डा० राम सुभाग सिंह : इस सवाल के बारे में या दूसरे सवाल के बारे में ?

Mr. Speaker: The hon. Member goes on complaining that he is not allowed to ask questions even though his name is on the list.

Dr. Ram Subhag Singh: But you never called me.

Mr. Speaker: I won't call. I set my face against such kind of letters. The hon. Member evidently wants to threaten the Chair by saying 'You have not called me. It is my privilege'. As soon as I find that a number of questions have been asked, it is no good pursuing it. It is a matter for my discretion. Then I pass on to another question. No Member has got a right to say that he ought to be

called with respect to a particular question. It is for me to decide. Because his name has appeared here, he goes on complaining. I thought he might like to ask a question. So I called him. Hereafter, I will not exercise even that kind of discretion in favour of hon. Members. There is no use sending such letters.

Shri Tyagi: May I suggest that for the future you may kindly agree to drop the idea of more than one member giving notice of a question? (*Interruptions.*)

Several Hon. Members: No, no.

Shri Tyagi: In the past it was the practice.... (*Interruptions*)

Mr. Speaker: I think the Noes have it.

Dr. Ram Subhag Singh: I had written to you about question No 95 The Minister has said that no land has been irrigated in Bihar. I wanted to elicit certain information in that respect and nobody put any question regarding that but you did not allow.

Mr. Speaker: There can be a number of questions in respect of every detail If an hon Member is very particular, I will allow half-an-hour discussion, if he is not satisfied.

Shri Tyagi: The Speaker's eyes should not be allowed to be booked in advance. We must try to catch the eye.

Water Supply and Sanitation System in Calcutta

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*57. { **Dr. Ram Subhang Singh:** **Shri D. C. Sharma:** **Shri Rameshwar Tantia:**

Will the Minister of **Health** be pleased to refer to the reply given to Starred Question No. 617 on the 28th November, 1957 and state:

(a) whether Government have since taken any final decision for allocation of funds for augmenting water supply and improving sanitation system in Calcutta; and

(b) if so, the details thereof?

The Minister of Health (Shri Karmarkar): (a) and (b). Yes, the Government of India have allocated a sum of Rs. 225.0 lakhs for payment as loan to the Corporation of Calcutta during the Second Five Year Plan period for the implementation of Water Supply and Sanitation Schemes. Out of this sum, a sum of Rs. 20.5 lakhs was paid to the Government of West Bengal during the current financial year, for payment as loan to the Calcutta Corporation.

Dr. Ram Subhag Singh: May I know whether that amount has been utilised and if so what part of the construction has been completed?

Shri Karmarkar: This amount has been paid recently, I think. I am not in a position how it has been utilised. I hope it will be utilised.

Dr. Ram Subhag Singh: May I know whether the plan for the utilisation of that amount has been accepted by the Government of India and approved?

Shri Karmarkar: They are under examination. We wanted some information I think the matter pends there. They are yet to furnish detailed plans, abstracts, estimates, etc. in respect of such of the components of the scheme that the State Government wishes to take up in the first instance. There the matter pends.

श्री रामेश्वर टांटिया : क्या मंत्री महोदय यह बताने की कृपा करेंगे कि कलकत्ता में आज भी जो भैंसों और घोड़ों से गाड़ियों पर मैला उठाया जाता है, जिस के कारण सड़कों पर गन्दगी फैलती है और बड़ी दुर्गन्ध हो जाती है, क्या उस की जगह सैनिटेशन के दूसरे साधन—ट्रेनेज वगैरह—काम में लाए जायेंगे ?

श्री करमरकर : मैं इस वक्त तो नहीं बता सकता कि जो मैला ले जाया जाता है, वह रुक जायेगा या दहीं मुझे पता नहीं है। अगर माननीय सदस्य सूचना दे देंगे, तो मैं एक डीटेल्ड स्टेटमेंट सदन के सामने रख दूंगा।

Shri D. C. Sharma: What was the amount asked for and what percentage of the amount has to be provided by the State Government?

Shri Karmarkar: This is a question of loan to the Corporation for its scheme. The scheme is submitted by the Government of West Bengal for the Clacutta Corporation's water supply and drainage. The estimated cost is Rs. 145 lakhs and Rs. 80 lakhs respectively. It was sent to us for technical approval. The matter is pending and we expect some information from them. In the meantime, because they had committed some expenditure, as a special case, we allowed this Rs. 20·5 lakhs.

Shri B. S. Murthy: May I know whether similar facilities have been extended to other Governments and if so, whether the Madras and the Hyderabad Corporations have been given any loan?

Shri Karmarkar: We asked other corporations also whether they had any committed expenditure. In the case of the Calcutta Corporation we found the expenditure was committed. Though we had not available resources at our disposal, we made out a special case and sent that money to the Calcutta Corporation.

Shri H. N. Mukerjee: Will the Minister tell us, if it is on account of the lack of guarantee of steel supply that pipes for improving the water supply cannot be laid and if so will he take it up with his colleagues in the Government?

Shri Karmarkar: With regard to these pipes, I should like to have notice. As I said we are waiting for the information from the Calcutta Corporation. After the information is received, the matter will be gone into and finalised.

Development of Ports

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*58. **Shrimati Tarkeshwari Sinha:**
Shri D. C. Sharma:
Shri Raghunath Singh:

Will the Minister of **Transport and Communications** be pleased to refer to the reply given to Starred Question No. 1130 on the 16th December, 1957 and state:

(a) whether the World Bank Mission that visited India in connection with the loan for development of Ports, has submitted any report; and

(b) if so, its nature and amount recommended for such loan?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). The **(Shri Raj Bahadur):** (a) and (b) The Bank has submitted its report to the Bank. The Government of India have no information as to the nature of the recommendations made in the report. They have, however, received an invitation from the Bank to send a delegation to negotiate the terms of the loans which the Bank is contemplating to give to the Calcutta Port Commissioners and the Madras Ports Trust. The amount of loan applied for in respect of these two ports is about Rs. 17 crores.

Shrimati Tarkeshwari Sinha: In view of the fact that the Wolrd Bank Mission presses this view that as far as possible no new commitments should be entered into and that some of the commitments already entered into should be carried over to the Third Plan, may I know how many schemes have now been considered to be left over to the Third Plan?

Shri Raj Bahadur: I am not quite clear what the hon. Member means by 'new commitments'. We have got

a definite scheme of purchase for the development of the ports. We put forward our case in regard to the advancement of loan and assistance in respect of them.

Shrimati Tarkeshwari Sinha: Is it not a fact that some members of the World Bank Mission expressed the view that apart a minimum programme of tea ware houses and ports, the other schemes should be left over to the Third Plan because the foreign exchange situation is bad and so no new commitments should be taken up? What is the view of the Government in these matters?

Shri Raj Bahadur: The warehouses at Calcutta port is one of the schemes and we propose to take it up at the appropriate time as and when the finances are made available. Certain other schemes are not yet ripe and that is why the Bank said that it was outside the scope of the reference.

Shri Thirumala Rao: Are any conditions attached to this loan that it can be utilised only for the major ports of Bombay, Calcutta, Madras and Kandla? Or, can the loan be utilised for the development of ports that are not major?

Shri Raj Bahadur: We sought assistance from the World Bank in respect of four ports: Calcutta, Vizag, Bombay and Madras. We have now been invited to negotiate the loans in respect of Calcutta and Madras ports.

Shri Dasappa: Is it not a fact that there was some recent announcement that money would be available from the United States for the development of Madras Port, especially with a view to facilitate export of iron ore?

Shri Raj Bahadur: I will have to confirm that.

Shri Tangamani: This Mission has visited both Madras and Calcutta and the Madras Port Trust has sent its proposals. How much is the contribution from the Government of India and how much from the Port Trust and how much loan is expected from the World Bank for the completion of this project?

Shri Raj Bahadur: I suppose the hon. Member wants to know the rupee content and foreign exchange content. For the Calcutta port, the total outlay during the Plan period is Rs. 24,42,36,000. Of this local expenditure is about Rs. 12,11,72,000 and the foreign exchange expenditure is about Rs. 12,30,64,000. For Madras the total is Rs. 14,55,00,000 and the local and the foreign exchange expenditure are about 766 and 688 lakhs respectively.

Shri Anthony Pillai: May I know when the port authorities are going to Washington to negotiate the loans?

Shri Raj Bahadur: The dates have been fixed. The Madras Port Trust Delegation are scheduled to commence negotiations on 3-3-58 and for Calcutta the date is 17-3-58. The team is expected to leave India by the end of this month.

Shri S. C. Samanta: Is it not a fact that on former occasions, the World Bank Mission had, after their visit, submitted their reports to the Indian Finance Ministry? If so, why m this case has no report been submitted to them?

Shri Raj Bahadur: The Mission came from the Bank and was responsible to the Bank. I suppose that it is in the fitness of things that the report should be presented to the Bank in the first instance.

Shrimati Tarkeshwari Sinha: May I know whether it is a fact that both the Colombo Plan Mission and the World Bank Mission have expressed the view that with the improvement in management, layout etc. in the Madras, Calcutta and Bombay ports, the present capacity of the cargo can be dealt with. May I know whether, in view of that fact, the Government has worked out any scheme of improvement in the management, etc., and whether the Government have

come out with any conclusion with regard to the reduction of the outlay for the Second Five Year Plan in regard to the ports?

Shri Raj Bahadur: It is our constant endeavour to improve the work of the ports and therefore to improve the management thereof. I think that though there were strains and stresses to which these ports were subjected during the course of the congestion in the months of July and August last, but the port management have stood well and they cleared up the congestion by the payment dates fixed.

Shrimati Tarkeshwari Sinha: The second part of my question has not been answered.

Mr. Speaker: I have allowed a number of questions.

Shrimati Tarkeshwari Sinha: That part of the question has not been answered.

Mr. Speaker: It would not be answered.

Shrimati Tarkeshwari Sinha: I asked whether the Government would reduce the outlay.

Mr. Speaker: The hon. Member has got a lot of information regarding this matter, but all the doubts cannot be cleared up here. The hon. Lady Member asked about opinions. Question Hour is not intended for eliciting opinions, but only facts. I have allowed one question of opinion and again another question of opinion. I disallowed the third question of opinion.

Railway Sleepers

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*59. **Shri N. R. Munisamy:**
Shri Raghunath Singh:
Shri S. C. Samanta:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that Government of India have entered into an agreement with the Burmese State Timber Board for the purchase of railway sleepers worth Rs. 85 lakhs; and

(b) if so, how is the payment to be made?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes, Sir.

(b) The mode of payment is the subject matter of further negotiation. It will be made in such currency as is mutually agreed upon between the two countries concerned.

Shri N. R. Munisamy: May I know the quantity to be purchased by the Government of India, the rate at which it is to be purchased, and also how the price compares with the open market price?

Shri Shahnawaz Khan: The number of sleepers purchased is 4,35,500, and the price, as I have said before, is approximately Rs. 84 lakhs. It compares very favourably with the price of timber in other places.

Shri N. R. Munisamy: May I know whether any provision has been incorporated in the terms of the agreement to the effect that in the case of non-fulfilment of the terms of the agreement, a penalty is to be levied, or we should get any compensation from the Timber Board?

Shri Shahnawaz Khan: I think the hon Member's fears are unfounded. It has been agreed that the entire quantity would be supplied in the course of one year; that is, 25 per cent. within the first six months and 35 per cent within the next three months and the balance within the three months following. The whole supply would be made in the course of one year.

Shri Thimmaiah: May I know the policy of the Government in regard to the purchase of the sleepers? Are they to be purchased through negotiations or through tenders?

Shri Shahnawaz Khan: The hon. House is aware that there is a very acute shortage of wooden sleepers, and we have deputed an officer to go round all the States and make every possible endeavour to secure the maximum

amount of timber available in the country. When they are not available, we have to look outside.

श्री रघुनाथ सिंह : यह जो स्लीपर होंगे ये कौन सी लकड़ी के बने होंगे, चीड़ के होंगे, देवदार के होंगे, सागवान के होंगे, किस लकड़ी के होंगे ?

श्री शाहनवाज खां : ये मुख्तलिफ किस्म की लकड़ियां हैं, जिनकी मुझे भी बहुत अच्छी तरह वाकफियत नहीं है । कुछ के नाम हैं पीआकाडों (Pyiakado), पाडोक(Padauk), थिटिया Thitya)(, · इनगियन (Ingyin).

Shri V. P. Nayar: The hon. Deputy Minister has said that there was great shortage for wooden sleepers in our country. May I know whether the specific recommendations of the Estimates Committee, appearing in the 21st Report, to meet the shortage in the requirements of wooden sleeper have been implemented and, if so what has been the action of the Government in particular to the recommendation asking the Railway Ministry to set up creosote plant in order to use the uncoventional varieties of timber available in India in large quantities?

The Minister of Railways (Shri Jagjivan Ram): The hon. Member is mistaken in thinking that any variety of timber is available in India in abundance. We have set up the creosote plant and the hon. Member is aware that it is in the vicinity of his own State.

Shri V. P. Nayar: That is not the point. May I say that I happened to have the honour of serving in that particular Estimates Committee. The report of the Committee is before me. It is not a question of one creosote plant. The recommendation was for several creosote plants scattered throughout the country so that the varieties of timber, apart from teak, could be utilised.

Mr. Speaker: The hon. Member is using this question Hour as a Resolution hour. The hon. Member is asking how many creosote plants are there and whether that number is enough. Why should he go on giving an idea as to what the Estimates Committee said?

Shri Jagjivan Ram: I was going to explain it. We have been exploring all the possibility of utilising indigenous timber available in the country, and it is only in case when we find that the indigenous timber is not enough for the requirements of the railways that we go outside the country.

Shri V. C. Shukla: Sal timber is much utilised for railway sleepers. May I know if timber other than sal has been found successful as railway sleepers?

Shri Jagjivan Ram: The experts are always after these things and they are experimenting as to which variety we can utilise for the railway sleepers and we are adding to the number of the woods.

Some Hon. Members *rose*—

Mr. Speaker: The hon. Members may reserve their remarks for the Railway Budget.

Drought in Orissa

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*60. **Shri Panigrahi:**
Shri Sanganna:
Shri Supakar:
Shri Surendranath Dwivedy:

Will the Minister of **Food and Agriculture** be pleased to state:

(a) what concrete steps the Government of India have taken through the State Government for rendering help to the people of drought affected areas in the State of Orissa; and

(b) whether the State Government has submitted any proposal to the Central Government for meeting the difficult drought situation in the State?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) Export of rice/paddy outside Orissa has been banned. Procurement of rice on the Government of India account has been stopped; and about 4,100 tons of rice procured in Orissa out of last year's crop has been handed over to the State Government.

(b) Yes, Sir, the Orissa Government have requested the Government of India for assistance to the extent of Rs. 411 lakhs which is estimated to be the expenditure on the relief measures proposed to be taken by the State Government. This request is under consideration.

Shri Panigrahi: May I know whether, in view of the fact that in the last session we were told that the Shivaraman Committee has referred to this point and said that the scarcity conditions in Orissa were of an interim nature and that after the Orissa Government's crop-cutting experiments they would submit a complete report on the scarcity conditions, the report has since been submitted?

Shri A. M. Thomas: The Orissa Government has made a request to the Government of India for assistance to the extent of Rs. 411 lakhs. That is being examined by the Finance Ministry. They have also made a request for a loan of Rs. 100 lakhs for procurement of rice. That is an interest-free loan. They have made also a request in regard to the rural water supply scheme to the Health Ministry. That is also being considered by the Health Ministry.

The House may be interested to know that the allocation of loan assistance to Orissa for flood control during the current year has been increased by about Rs. 10 lakhs in the Ministry of Irrigation and Power.

Shri Panigrahi: What is the amount that has been really advanced to Orissa for this purpose?

Shri A. M. Thomas: No amount has been advanced. The request is being examined, and the Secretary to the Orissa Government is reaching Delhi within a few days and we will have a detailed discussion with him.

Shri Surendranath Dwivedy: Before they decide upon a measure, may I know whether any proper assessment has been made regarding the damage on account of drought in Orissa? For, the Shivaraman Committee submitted a superficial report and also suggested that the State Government should make crop-cutting experiments so as to assess the extent of damage properly. May I know whether that has been done?

Shri A. M. Thomas: No firm assessment has been made. The results of the crop-cutting experiments are being awaited and in the near future a firm estimate could be taken.

Shri Surendranath Dwivedy: May I know when this request for Rs. 411 lakhs from the Government of Orissa was received by the Government of India?

Shri A. M. Thomas: That is mainly for relief measures so that the people may have some purchasing power especially in the serious drought-affected areas.

The Minister of Food and Agriculture (Shri A. P. Jain): I would like to put in a word in regard to the supplementary questions. The final estimates of the production of rice in Orissa have not been so far received. But on the basis of the advance, estimates, the indication is that the loss may be about 10 per cent as against the original estimated loss of 55 to 65 per cent. by the Orissa Government.

Shri Sanganna: What is the value of the crop affected in the drought of 1957 in Orissa?

Shri A. M. Thomas: That question has just now been answered by the Minister.

Shri Surendranath Dwivedy: Is the estimate of about 10 per cent damage based on the report of the Shivaraman Committee?

Shri A. P. Jain: No. As I said, these are advance estimates of the Directorate of Economics and Statistics, which are based on crop-cutting experiments. They are not final estimates; they are the advance estimates.

Medical Aid for Railway Employees

*61. **Shri D. C. Sharma:** Will the Minister of Railways be pleased to state:

(a) whether arrangements exist in all the important Railway stations to treat the railway personnel suffering from T.B.; and

(b) the average amount spent every year to accord medical facility to Railway personnel suffering from T.B.?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes.

(b) Rs. 15,59,460.

Shri D. C. Sharma: What arrangements are made for them where there are no railway hospitals?

Shri Shahnawaz Khan: In the first place, we have decided to open test clinics so that every single railway employee, wherever he is stationed, is covered by the test clinics. Whenever we find that an employee is in an advance stage of T.B., efforts are made to get him admitted in one of the existing sanatoria.

Shrimati Mafida Ahmed: May I know whether there are provisions for special leave with pay, in addition to ordinary leave, for the railway personnel suffering from T.B. and, if so, what is the duration of such leave that an employee is entitled?

Mr. Speaker: How does it arise out of this question? This relates to medical relief and not to leave.

Shri Shahnawaz Khan: I could not give the exact period. But certain period is allowed with full pay and certain period with half pay. For the rest of the period, the railway bears the expenses of the treatment.

Shri Ranga: May I know how many patients were treated during the last year? Is it a fact that a large section of them come from engine-drivers and stokers?

Shri Shahnawaz Khan: I shall require separate notice for this question.

Dr. Sushila Nayar: In view of the fact that T.B. is an infectious disease, what arrangements are the Railway Ministry making to treat the family members of their employees? Are there any arrangements to treat the family members of such employees?

Shri Shahnawaz Khan: The family members of a railway employee are also entitled to free medical treatment for T.B. and other diseases.

Dr. Sushila Nayar: In view of the fact that most of the sanatoria are overcrowded, has the Railway Ministry got any definite number of beds reserved for them?

Shri Shahnawaz Khan: Yes, Sir.

Central Council of Health

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*62. **Shri Rameshwar Tantia:**
Shri Vajpayee:
Shri S. M. Banerjee:
Shri Raghunath Singh:
Shri Radha Raman:
Dr. Ram Subhag Singh:
Shrimati Ila Palchoudhuri:

Will the Minister of Health be pleased to lay on the Table a statement showing:

(a) the recommendations made by the Central Council of Health at its meetings held in Bangalore from January 5 to 7, 1958; and

(b) the steps taken to implement them?

The Minister of Health (Shri D. P. Karmarkar): (a) A copy of the resolutions passed by the Central Council of Health at their sixth meeting held at Bangalore is laid on the Table of the Sabha. [See Appendix I, Annexure No. 24].

(b) The resolutions have been commended to the State Governments for necessary action. The resolutions in respect of which action is to be taken by the Government of India are under consideration.

Shri Rameshwar Tantia: May I know whether any recommendation has been made in the meeting of the Central Council of Health to stop the increase in population? In view of the fact that family planning, which is a voluntary scheme, has not been successful, are they considering any other scheme?

Shri Karmarkar: I am not prepared to concede that the experiment has been a failure because it is too early to assess the results. Secondly, the Conference noted with appreciation the fact that there was a greater realisation of the need for family planning in the States, and the States are working it with enthusiasm.

Some Hon. Members *rose*—

Mr. Speaker: The hon. Minister says that a copy of the recommendations is being placed on the Table of the House. The other recommendations are being sent to the State Governments for their remarks. The Government is considering the implementation of those that relate to the Central Government. What more can be asked on the floor of the House? If the hon. Members want to give suggestions as to how they should be implemented, let them wait.

Shri D. C. Sharma: Some questions arise out of the resolutions.

Shri Raghunath Singh: One supplementary should be allowed for this question.

Mr. Speaker: The answer is there and it is clear. Unless hon. Members want to make recommendations and make their own suggestions as to how the recommendations are to be implemented, I do not know how any supplementaries arise out of this question.

Santa Cruz Air Port

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*63. **Shri Morarka:**
Shri Nathwani:

Will the Minister of **Transport and Communications** be pleased to refer to the reply given to Starred Question No. 549 on the 1st August, 1957 and state:

(a) whether the new terminal building at Santa Cruz airport has since been opened for use;

(b) the reasons for the delay in commissioning this building for regular operations; and

(c) the total cost incurred on this project?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) No Sir, but it is now almost ready and will soon be opened for use.

(b) Minor modifications had to be made in the plan during construction to accommodate the suggestions made by International Airline Operators regarding facilities for customs, security, health and tourist organisations etc.

(c) Rs. 50·8 lakhs upto the 31st December, 1957.

Shri Morarka: May I know the reasons for taking as much as seven years for the construction of this one building?

Shri Humayun Kabir: As I have already stated, this has taken a very long time, and I regret that fact very much. But, nevertheless, there were difficulties. The construction work started in 1951. When the actual site was located, it was found that there were bad clay. Therefore, special measures had to be taken to make the foundation firm. In any case, I can assure the House that there will be no further delay.

Shri Morarka: Is it a fact that for lack of planning some portion of the

building was first built, then it had to be demolished, and then put up again?

Shri Humayun Kabir: It is true that in the original planning certain important sections had not been provided for. During construction, as soon as this was noticed, necessary measures were taken. This is only a *post mortem* consideration of something which happened several years ago.

Shri Morarka: Is it a fact that in the original plan there was no place for the customs counter at all?

Shri Humayun Kabir: I have already anticipated this question when I said that in the plans which were first made certain important sections had not been provided, of which customs was one. As soon as this was pointed out, necessary measures were taken to rectify the mistakes.

Shri Morarka: May I know the extra cost which the Government had to incur because of this lack of planning, and who has been held responsible for this mistake?

Shri Humayun Kabir: I don't think there has been any great extra expenditure. According to the original estimates, the building would have cost Rs. 50·30 lakhs and an additional extra expenditure of Rs. 12·58 lakhs for external services. As the building is now nearing completion, the total expenditure will be of the order of about Rs. 66 lakhs. Therefore, there has not been much increase in cost.

Suratgarh Farm

*64. **Shri V. P. Nayar:** Will the Minister of Food and Agriculture be pleased to state the acreage so far brought under cultivation in the 30,000 acre Central Mechanised Farm at Suratgarh?

The Minister of Cooperation (Dr. P. S. Deshmukh): A statement is laid on the Table of the Sabha. [*See* Appendix I, annexure 25].

Shri V. P. Nayar: May I know whether Government have a target date for completion of the 30,000 acres?

Dr. P. S. Deshmukh: It is expected to be completed in 1958-59.

Shri V. P. Nayar: May I know whether it is a fact that the machinery which we have received for this particular project gets no protection and is left in the open?

The Minister of Food and Agriculture (Shri A. P. Jain): Yes, Sheds have not been built and the machinery is kept in the open. If we had waited for the building of the sheds, the project would have been delayed by about two years.

Shri V. P. Nayar: I want to know whether Government took proper steps in time to see that the machinery which arrived were getting at least temporary protection, so that it could be used. I also want to know whether Government are aware of any possible loss on account of this exposure.

Shri A. P. Jain: I have personally visited the place recently. I saw all the machinery that is lying there. Every care is being taken to protect the machinery against dust storms. But I can say that it is not being kept in the sheds.

WRITTEN ANSWERS TO QUESTIONS

Hindustan Shipyard

*65. **Shri H. N. Mukerjee**
Shri M. Elias:

Will the Minister of **Transport and Communications** be pleased to lay a statement showing:

(a) the amount spent by way of purchases made in foreign countries for Hindustan Shipyard in 1953-54, 1954-55, 1955-56 and 1956-57; and

(b) the steps taken to see that only unavoidable purchases are made abroad?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). A statement is laid on the table of the Sabha. [*See* Appendix I, annexure No. 26].

Famine in Chini Tehsil (Himachal Pradesh)

*66. **Shri Raghunath Singh:**
Shri Heda:
Dr. Ram Subhag Singh:
Shri Vajpayee:

Will the Minister of **Food and Agriculture** be pleased to state whether it is a fact that famine in Chini Tehsil in Himachal Pradesh has become so acute that 75% of the population of that area have left their homes in search of food?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): No, Sir

Sambalpur-Titilagarh Railway Line

*67. **Shri Sanganna:** Will the Minister of **Railways** be pleased to refer to the reply given to Unstarred Question No. 71 on the 12th November, 1955, regarding the Sambalpur-Titilagarh Railway line and state:

(a) whether the work has been commenced; and

(b) if so, what is the progress?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) and (b). The Engineering survey for Bolangir-Titilagarh portion of the Sambalpur-Titilagarh line has just been started.

Arkonam-Erode Railway Line

*68. **Shri Doraiswami Gounder:** Will the Minister of **Railways** be pleased to state when the work of laying of double line will be completed between Arkonam and Erode?

The Deputy Minister of Railways (Shri Shahnawaz Khan): In the Plan period only patch doubling is proposed. 40 miles of doubling have been sanctioned and another 50 miles approved in the 1958-59 Works Programme. These are expected to be completed within the Plan period.

Rice Production

*69. **Shri Wodeyar:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the estimated acreage of land brought under rice cultivation anew during 1957; and

(b) the total demand of each State for the supply of rice from the Central Government?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) Crop statistics are generally collected and maintained according to agricultural year beginning from July and ending with June According to the All-India First Estimate of Rice for the period July to September, 1957, the acreage under rice has been reported to be 68·01 million acres. The First Estimate, on the basis of past experience, indicates only about 90 per cent of the area finally reported under the crop No information about new land brought under cultivation is available

(b) Under conditions of decontrol, State Governments are not required to put in their annual demands for foodgrains The present Government distribution is of the nature of price stabilization operations and foodgrains are distributed according to availability and relative urgency of the requirements of different areas

Fruit Preservation in Andhra

*70. **Shri B. S. Murthy:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether Andhra Pradesh Government has sent a scheme for fruit preservation for the Second Plan period;

(b) if so, the main features thereof; and

(c) the total Central contribution asked for?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) and (b). Yes. The State Government has proposed a scheme to give a loan of Rs. 10,000/- each to private parties for setting up 5 small scale fruit preservation units.

(c) Rs. 50,000/-.

Van Mahotsava

*71. **Shri Damani:** Will the Minister of **Food and Agriculture** be pleased to state how far 'Van Mahotsava' has helped afforestation in various parts of the country?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): A statement is laid on the Table of the Sabha. [*See* Appendix I, annexure No. 27].

Milk Supply in Delhi

*72. **Shri Vajpayee:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Bharat Sevak Samaj, Delhi, proposed to undertake the work of supplying milk to Delhi citizens;

(b) whether the Samaj had submitted any comprehensive scheme in this regard to Government and also sought aid from them; and

(c) if so, the details of this scheme?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) The Bharat Sevak Samaj have a scheme for the procurement of milk in villages and bringing it at central points in rural areas of Delhi State for delivery and distribution under the Delhi Milk Supply Scheme.

(b) No.

(c) Does not arise.

Savan Railway Station Accident

*73. **Shri Jhulan Sinha:**
Shri Raghunath Singh:
Shri S. M. Banerjee:
Shri Anirudh Sinha:

Will the Minister of **Railways** be pleased to state:

(a) the circumstances under which a train collision occurred at Savan (N.E. Railway) during the small hours of the 9th January, 1958;

(b) the number of persons injured and the loss sustained as a result thereof; and

(c) the persons found responsible for the accident and the punishment meted out to them?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) At about 04·03 hours on 9-1-58, while No 309 Up Katihar—Lucknow Express was being admitted into Savan station, the train wrongly entered line No. 2 due to incorrect setting of points and collided with third class coach No. 3401 placed behind the wagons No 799 UP Goods standing on the line.

(b) (i) Three persons sustained slight injuries.

(ii) Approximate cost of damage to Railway property is Rs. 1,100.

(c) According to the finding of the Enquiry Committee, the Line Jamadar of Savan station is responsible for incorrect setting of points. He has been placed under suspension pending finalization of disciplinary action.

Abolition of Second Class and overcrowding on Railways

*74. **Shri Sadhan Gupta:** Will the Minister of **Railways** be pleased to state:

(a) whether second class coaches were abolished on suburban trains, plying between Howrah and Sealdah stations, from 1st July, 1957;

(b) if so, the reasons therefor;

(c) whether it is a fact that about 30% of the passengers travelling by these suburban trains used to travel in the second class; and

(d) what proportion of second class commodation has been upgraded to first class and what proportion downgraded to third class since the abolition of second class in those trains?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes, Sir.

(b) The policy is to reduce the number of classes on Railways to only two in addition to air-conditioned class.

(c) Figures specifically for this pair of trains plying between Howrah and Sealdah are not available.

For the entire suburban area of Calcutta, the traffic in second class was about 4% of the total.

(d) The entire second class accommodation has been downgraded to third class.

Road Bridge on River Krishna

*75. **Shri T. B. Vittal Rao:** Will the Minister of Transport and Communications be pleased to refer to the reply given to Starred Question No. 46 on the 12th November, 1957 and state:

(a) whether any tender for the construction of a Road Bridge across the river Krishna near Rangapur has since been accepted;

(b) if so, when the work on it will commence; and

(c) if the reply to part (a) above be in the negative, the reasons therefor?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) No. Sir.

(b) Does not arise.

(c) The tenders received by the Chief Engineer (Highways), Andhra Pradesh, are reported to be for a design other than the departmental design and as such require detailed technical scrutiny.

Multi-Storeyed Buildings, Bombay

*76. **Dr. Sushila Nayar:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the new multi-storeyed building of single room tenements recently built at Parel, Bombay, is so designed that in order to enter the building one must pass through the sanitary blocks;

(b) whether it is a fact that in order to enter the living room one must walk through the kitchen?

(c) if so, the reasons for this defective designing;

(d) the amount of money spent on the building and the expected life of the building; and

(e) whether it is also a fact that several of these quarters are already leaking and the plaster is falling off?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) No.

(b) Yes.

(c) The design adopted for this building has been drawn out after considering various alternatives and also the ceiling cost for these types of quarters.

(d) Approximately Rs. 14 lakhs. The anticipated life is 50 years.

(e) No. However, some minor complaints about seepage of accumulated water from the bath rooms were received by the Railway Administration and these are attended to as and when received.

Dental College at Lucknow

*77. **Shri L. Achaw Singh:** Will the Minister of Health be pleased to state:

(a) the steps taken to start the Dental College at Lucknow for training of dentists in the part 'B' register; and

(b) the number of dentists who have to pass the examination for their registration in part 'A' of the Register according to Dentists Act, 1948?

The Minister of Health (Shri Karmarkar): (a) The scheme for the establishment of a training centre at the Dental College, Lucknow, for the training of dentists registered in part 'B' for transfer to part 'A' thereof was approved by the Government of India on the 15th February, 1957. The training course will commence on the 1st March, 1958.

(b) The examination is not compulsory for dentists registered in part 'B' of Dentists Registers. There are about 3,000 dentists, who can take the examination.

Railway Lines in Rajasthan

*78. **Shri Shobha Ram:** Will the Minister of Railways be pleased to state:

(a) how many schemes for the construction of new railway lines are being surveyed in Rajasthan; and

(b) how much time would be taken for implementation of these schemes?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) and (b). The information is not maintained State-wise, but Railway-wise. However, the list showing the surveys for the new Railway lines in Rajasthan which have either been completed or are in progress is placed on the Table of the House. [*See* Appendix I, annexure No. 28]. Owing to limitation of funds and materials in the Second Plan Period none of the projects are being considered for construction.

Ships awaiting Unloading

*79. **Sardar Iqbal Singh:** Will the Minister of Transport and Communications be pleased to state:

(a) the number of ships which were awaiting to be unloaded at various ports of India on the 31st January, 1958; and

(b) for how long they had waited?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur:) (a) and (b). A statement is laid on the Table of the Sabha. [*See* Appendix I, annexure No. 29].

Acquisition of Vessels from U.S. Reserve Fleet

*80. **Shri Gajendra Prasad Sinha:**
Shri Jhulan Sinha:

Will the Minister of **Transport and Communications** be pleased to state:

(a) whether the negotiations with the U.S. Government to acquire vessels out of their Reserve Fleet have been completed; and

(b) if so, what are the terms of the agreement?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) No, Sir.

(b) Does not arise.

Bombay-London Freighter Service

*81. **Dr. Ram Subhag Singh:**
Shri Vajpayee:

Will the Minister of **Transport and Communications** be pleased to state:

(a) whether Government propose to introduce a freighter service between Bombay and London; and

(b) if so, when is this service likely to be introduced?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) and (b). The Air-India International Corporation has a proposal under consideration and the service will be introduced as soon as the terms and conditions have been settled.

Land Utilisation Boards in States

*82. { Shri Panigrahi: Shri Shobha Ram:

Will the Minister of **Food and Agriculture** be pleased to state

(a) whether the Government of India has asked the State Governments for setting up of Land Utilisation Boards in the States, and

(b) whether the Government of Orissa has constituted such Board?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas). (a) Ye , Sir

(b) The Government of Orissa has reported that such a Board had been set up by the Government in 1950, but it had not done anything beyond finalising the Orissa Agricultural Act of 1951 The State Government now proposes to reconstitute the Board to carry out the objects for which it was constituted

Casualty in Irwin Hospital, New Delhi

*83 { Shri Radha Raman Shri Ansar Harvani: Shri Vajpayee: Shrimati Parvathi Krishnan: Shri A K Gopalan. Shri Kodiyan: Shri V P Nayar: Dr Sushila Nayar: Shri Mohan Swarup:

Will the Minister of **Health** be pleased to state

(a) whether it is a fact that a surgical instrument was found from the body of a girl who died a few days after her operation in Irwin Hospital,

(b) if not, whether the report of such a case appeared in the press and if so, what action Government had taken to be satisfied that the report was incorrect;

(c) whether the allegations made by the father of the girl were properly investigated; and

(d) if so, the result of the investigation?

The Minister of Health (Shri D P Karmarkar): (a) There has been an allegation that a surgical instrument was found in the ashes of the body of a girl.

(b) A report appeared in the press on the 4th January, 1958 Government on the same day called for information on the subject from the Delhi Administration.

(c) and (d) A case under Section 304—A, I P C has been registered by the local police authorities The report of the investigation is awaited

Pakistan-Opted Railway Employees

*84 **Shri D C. Sharma:** Will the Minister of **Railways** be pleased to state whether it is a fact that a number of Railway employees who opted for Pakistan and who had later expressed their desire to be employed on the Indian Railways have not been taken back in services particularly on the Northern Railway?

The Deputy Minister of Railways (Shri Shahnawaz Khan): No All those railway employees who had provisionally opted to serve Pakistan but later changed their option for India Final before 15-2-1948 were absorbed. Those who had opted Pakistan Final but did not proceed to that country and applied for employment were also re-employed on railways subject to the availability of vacancies and their being found suitable In the case of those who had opted Pakistan Final and had migrated to that country but later returned to India and requested for employment, the Ministry of Railways decided that their cases may also be sympathetically considered for re-employment on railways subject to their being found suitable.

Jaipur Aerodrome

*85. { Shri Morarka: Shri Nathwani:

Will the Minister of Transport and Communications be pleased to state

(a) whether it is a fact that Government are considering the question

of closing down the Juhu Aerodrome; and

(b) if so, the reasons therefor?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) No, Sir.

(b) Does not arise.

Dairy Development and Animal Husbandry

*86. **Shri V. P. Nayar:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the central financial aid given so far since the commencement of the First Plan to Madras, Kerala and Mysore States for dairy development and animal husbandry; and

(b) what are the present estimated daily *per capita* average consumption of milk and milk products in those States?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) and (b). A statement is placed on the Table of the Sabha. [*See* Appendix I, annexure No. 30].

Inauguration of Electric Train Service

*87. **Shri H. N. Mukerjee:**
Shri M. Ilias:

Will the Minister of **Railways** be pleased to state:

(a) the amounts spent by way of decoration, alteration of platform heights, on the occasion of the inauguration of electrification in Eastern Railway; and

(b) how much of the said expenditure was for permanent purposes and how much for the temporary purpose of celebrating the occasion?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). Only a sum of about Rs. 5,000 was spent on the inauguration ceremony. This expenditure is for works of temporary nature.

Arecanut Research Station

*88. **Shri A. K. Gopalan:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether Government propose to set up Arecanut Research Station in Ponnani Taluk, Kerala State;

(b) if so, the details of the scheme; and

(c) whether Government have received any representations from arecanut growers to set up such a Research Station?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) It is proposed to set up a Regional Arecanut Research Station in Kerala State. No final decision has, however, been taken so far with regard to the location of the station.

(b) A copy of the detailed scheme is placed on the Table of the Sabha. [*See* Appendix I, annexure No. 31].

(c) Yes.

Quinine

*89. **Shri Raghunath Singh:** Will the Minister of **Health** be pleased to state whether it is a fact that the demand of Quinine is declining and the agriculturists of West Bengal and Madras are suffering due to the import of synthetic anti-malaria drugs?

The Minister of Health (Shri D. P. Karmarkar): Yes, the demand for Quinine is declining. As Cinchona is grown and Quinine is manufactured exclusively as a State enterprise in Madras and West Bengal, the question of suffering by the agriculturists due to the restricted import of synthetic anti-malarials does not arise.

Restoration of Dismantled Railway Lines

*90. **Shri Doraiswami Gounder:** Will the Minister of **Railways** be pleased to state whether there is any proposal

to restore the dismantled narrow gauge lines between Morappur and Dharmapuri and Tirupattur and Krishnagiri, Salem District, Madras State?

The Deputy Minister of Railways (Shri Shahnawaz Khan): No, Sir. The restoration of these lines is not financially justified.

Vamsadhara Project

*91. **Shri Sanganna:**
Shri Vajpayee:
Shri Panigrahi:

Will the Minister of **Irrigation and Power** be pleased to refer to the reply given to Starred Question No. 48 on the 12th November, 1957 regarding the Vamsadhara project and state:

(a) whether the Government of Orissa have given their concurrence in the matter; and

(b) if so, whether any final agreement has been entered into between the Government of Orissa and the Andhra Government?

The Minister of Irrigation and Power (Shri S. K. Patil): (a) No, Sir.

(b) Does not arise.

Selection of Scheduled Castes and Scheduled Tribes on Railway

*92. **Shri B. S. Murthy:** Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 1128 on the 16th December, 1957 regarding selection of Scheduled Castes and Scheduled Tribes Candidates for class III posts and state:

(a) whether the selections made conform to the reservations prescribed for the Scheduled Castes and Scheduled Tribes; and

(b) if the reply to part (a) above be in the negative, the steps taken to fill up the vacancies according to the quota fixed?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) and (b). A statement is laid on the Table of the Sabha. [*See* Appendix I, annexure No. 32].

Indian Merchant Shipping Act

*93. **Shri Jhulan Sinha:** Will the Minster of **Transport and Communications** be pleased to state:

(a) whether the attention of Government has been drawn to the resolution No. 3 of the Biennial General meeting of the Maritime Union of India held in September, 1957 suggesting amendments and revision of the Indian Merchant Shipping Act in order to bring it into line with modern thought and practice; and

(b) if so, the reaction of Government thereto?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes.

(b) In the current session I expect to introduce a bill to amend and consolidate the law relating to Merchant Shipping which contains suitable provisions relating to the employment conditions of seamen.

Sethu Samudaram Project

*94. **Shri T. B. Vittal Rao:**
Shrimati Ila Palchoudhuri:

Will the Minister of **Transport and Communications** be pleased to refer to the reply given to Unstarred Question No. 33 on the 12th November, 1957 and state:

(a) whether the report of the traffic survey by the Director General of Shipping with regard to Sethu Samudaram Project has since been received;

(b) if so, whether Government have examined the same; and

(c) what are the decisions taken thereon?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) to (c). A statement is laid on the Table of the Sabha. [*See* Appendix I, annexure No 33]

Telephones in the Capital

*96 **Shri Radha Raman:** Will the Minister of **Transport and Communications** be pleased to state:

(a) how many telephone exchanges exist in the Capital at present;

(b) how many more are still to be installed or converted into automatic exchanges; and

(c) where the remaining exchanges are proposed to be installed and at what cost?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Six.

(b) Two more auto exchanges are to be constructed in the Second Plan period.

(c) A statement is placed on the Table of the Sabha [*See* Appendix I, annexure No 34]

Transport Service in Delhi

*97. **Shri D. C. Sharma:** Will the Minister of **Transport and Communications** be pleased to state:

(a) whether it is a fact that the services of an I.L.O. Productivity expert were utilised by the Delhi Road Transport Authority to improve transport service in Delhi, and

(b) if so, with what results?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) The services of I.L.O. Productivity expert were utilised by the Delhi Road Transport Authority for improving the productivity of their workshops.

(b) A statement is laid on the Table of the House. [See Appendix I, annexure No. 35]

Railway Offices

*98. **Shri H. N. Mukerjee:** Will the Minister of **Railways** be pleased to state:

(a) whether it has been decided to remove all offices of the North-Eastern Railway from Calcutta; and

(b) what provision, if any, is being made for members of the staff who are unable to move out of Calcutta?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Traffic Accounts, Statistics and Commercial Offices of the old North Eastern Railway located at Calcutta are proposed to be wound up. The Stores Transit and Chasing Depot, at Beliaghata (Calcutta) will, however, continue functioning at Calcutta under the control of (new) Gorakhpur zone.

(b) Such staff are propsed to be absorbed on the Eastern and South Eastern Railways.

Post Offices in Villages

76. **Shri S. M. Banerjee:** Will the Minister of **Transport and Communications** be pleased to state:

(a) the total number of Post Offices in villages in India at present; and

(b) the number of them having Telegraph Offices?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) 52,338 on 31st December, 1957.

(b) 2,311 on 31st December, 1957.

Postal Stationery

77. **Shri S. M. Banerjee:** Will the Minister of **Transport and Communications** be pleased to state the total consumption of post-cards, inland covers and envelopes in the country annually and the income deriving out of this sale?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): A statement showing the quantities and face value

of post-cards, inland letters and embossed square envelopes issued during 1955-56, 1956-57 and 1957-58 (upto 31st January, 1958) to Government Treasuries for sale through Post Offices is laid on the Table of the Sabha. [See Appendix I, annexure No. 35(A)]

Information regarding the income derived exclusively on account of sale of Postcards, inland letters and envelopes is not available. The Revenue derived from the sale of Postcards, inland letters and envelopes is not booked separately in the P. & T. Books. The whole amount of revenue including that from the sale of ordinary stamps (used for various purposes) is booked under one head only i.e. 'Sale of Ordinary Stamps'. The actual amount booked under the head 'Sale of ordinary Stamps' for the last 4 years is furnished below:

	(In lakhs of Rs.)
1953-54	19,68
1954-55	20,15
1955-56	21,21
1956-57	22,99

दिल्ली में मकानों के नक्शे

७८. श्री नवल प्रभाकर : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली विकास (अस्थायी) प्राधिकार को अक्तूबर, १९५५ से अक्तूबर, १९५७ तक की अवधि में मकान बनाने के कितने नक्शे प्राप्त हुए;

(ख) उनमें से कितने नक्शे बिल्डिंग कमेटी के विचारार्थ प्रस्तुत किए गए; और

(ग) उनमें से कितने नक्शे मंजूर किये गये ?

स्वास्थ्य मंत्री (श्री करभरकर): (क) १,०९८ ।

(ख) २,४४७ ।

(ग) २,२९९ ।

उपर्युक्त नक्शों के अतिरिक्त सीमा-संबंधी नक्शे भी प्राप्त हुए जिन पर दिल्ली विकास (अस्थायी) प्राधिकार ने कार्यवाही की । उक्त अवधि के दौरान नक्शों के आंकडे इस प्रकार हैं:—

(१) प्राप्त नक्शों की संख्या	२,३८५
(२) बिल्डिंग कमेटी के विचारार्थ प्रस्तुत नक्शों की संख्या	२,२९९
(३) स्वीकृत नक्शों की संख्या	१,९०५

प्राधिकार को उन क्षेत्रों के नक्शे भी प्राप्त हुए जहां (क) नक्शे मंजूर नहीं हुए थे और (ख) जहां नक्शे मंजूर तो हो गए थे परन्तु इंजीनियरी सेवाएं स्वीकृत नहीं हुई थीं । जहां तक (क) श्रेणी के मामलों का प्रश्न है, जब प्राधिकार को प्रार्थना-पत्र मिले तो उसने—इस आधार पर कि स्वीकृत नक्शों तथा इंजीनियरी सेवाओं के बिना मकान बनाने की अनुमति नहीं दी जा सकती—मंजूरी देने से इन्कार कर दिया । जहां तक (ख) का सम्बन्ध है इंजीनियरी सेवाओं के स्वीकृत होने पर मामलों को विचाराधीन रखा गया । इस श्रेणी में ३११ मामले थे ।

Aircrafts

79. **Shri Halder:** Will the Minister of **Transport and Communications** be pleased to state:

(a) whether the aircraft known as Noratlas which is now flying at Dum Dum airport with French registration and insignia of Kalinga Airlines, has been granted a certificate of airworthiness by the Government of India;

(b) whether it is a prototype or series aircraft;

(c) whether there is any proposal by Kalinga Airlines to the Government of India that they may buy that aircraft;

(d) if so, what would be the approximate price of this aircraft including its spare parts; and

(e) the route on which this aircraft is going to operate?

The Minister of State in the Ministry of Transport and Communications (Shri Humayun Kabir): (a) No Sir. The aircraft has since returned to France.

(b) The aircraft was the first of a "Series".

(c) The airline had proposed to purchase a certain number of Noratlas aircraft on deferred payment basis and were advised to submit precise and detailed proposals for the purchase and operation of the aircraft.

(d) The price of this aircraft including spares, etc. is reported to be approximately to Rs. 40 lakhs each exclusive of customs duty.

(e) The proposal of the Kalinga Airlines was to employ the aircraft primarily on International charters.

Roads in Orissa

81. Shri Panigrahi: Will the Minister of **Transport and Communications** be pleased to state:

(a) the total amount allotted to Orissa from 1951 to 1955 by the Union Government for construction and maintenance of C.P.W.D. roads;

(b) the total amount allotted for such purposes during 1956-57 and 1957-58;

(c) the mileage of C.P.W.D. roads constructed and maintained in Orissa during 1956-57 and 1957-58; and

(d) what new roads and highways have been included in Orissa under C.P.W.D. in the Second Five Year Plan?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). A statement giving the required information is attached [*See* Appendix I, annexure No. 38]

(c) No new roads were constructed by Central Public Works Department during 1956-57 and 1957-58. However, a length of 42·74 miles was maintained by them during 1956-57 but this too was subsequently handed over to the State Public Works Department for maintenance.

(d) Nil.

Loans to Cultivators in Orissa

82. Shri Panigrahi: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the total amount given by the Central Government to Orissa for advancing loans to cultivators during the First Five Year Plan and in the Second Plan period so far; and

(b) for what scheme?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) and (b). During the First Plan period a loan of Rs. 133·97 lakhs was sanctioned to Government of Orissa for Grow More Food Schemes but precise information about the amount advanced by the State Government directly to cultivators out of this loan is not available.

During the Second Plan period so far a sum of Rs. 3·28 lakhs has been advanced to cultivators for purchase of agricultural implements and machineries.

Bridge on Puri-Konarak Road

83. Shri Panigrahi: Will the Minister of **Transport and Communications** be pleased to refer to the reply given to Unstarred Question No. 431 on the 20th November, 1957 and state:

(a) whether full technical data about one major bridge and six culverts which are required to complete Puri-Konarak Road, have since been made available;

(b) if so, when these construction works are going to be undertaken;

(c) the estimated cost of these constructions;

(d) the location where the bridge is proposed to be constructed; and

(e) the amount allocated by the Central Government for this purpose and the amount spent so far?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) No, Sir.

(b) Does not arise.

(c) Bridge ..... Rs. 1·56 lakhs.
Six Culverts.....Rs. 0·54 lakhs.

(d) The site for the bridge, and its design have not been finalised.

(e) A sum of Rs. 1.58 lakhs has been earmarked as grant towards 2/3rd cost of the bridge and six culverts. No expenditure has been incurred from this sum.

Vitamin Deficiency in Children

84. Shri V. P. Nayar: Will the Minister of **Health** be pleased to state:

(a) whether any studies have been made on the effects of vitamin deficiency in our people, especially children; and

(b) if so, whether a statement showing details of such studies will be laid on the Table?

The Minister of Health (Shri D. P. Karmarkar): (a) Yes.

(b) Statements showing results of nutritional surveys so far conducted are laid on the Table. [*See* Appendix I annexure No. 37]

Indo-Norwegian Project

85. Shri V. P. Nayar: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the total monthly expenditure on the purchase of petrol for use in the Indo-Norwegian Project at Neendakarai, Kerala State;

(b) the number of cars, trucks and vans now owned by the project; and

(c) the total investment thereon?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) Rs. 4,000.

(b) There are nine cars, two Station Wagons, one Pick-up Van, one Ambulance Van, one Lorry, four Insulated Vans and one Tractor;

(c) Rupees 2,92,000.

Indo-Norwegian Project

86. Shri V. P. Nayar: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the total number of meetings of the Standing Committee of the Indo-Norwegian Project held so far;

(b) the total expenditure incurred thereon including the Daily Allowance and the Travelling Allowance; and

(c) whether the Daily Allowance and the Travelling Allowance of representatives of Governments (State and Centre) are met from the project fund?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) Six.

(b) Information is not readily available at present.

(c) No.

Indo-Norwegian Project

87. Shri V. P. Nayar: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the number of fishing boats fitted with engines now in use in the project area of the Indo-Norwegian project;

(b) the average daily catch for the year by each such boat;

(c) the average number of days in the year on which these boats are taken out to the sea; and

(d) the average cost of operation of a boat for a day's fishing?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas):

(a) Small boats .. 67
Medium boats .. 5

(b) Small boat..... 111·6 lbs. } per fishing
Medium boat... 1081·0 lbs. } day

(c) Small boat .. 106
Medium boat .. 136

(d) Rs. 3/-for small boat.

Indo-Norwegian Project

88. Shri V. P. Nayar: Will the Minister of Food and Agriculture be pleased to state:

(a) the total wage bills paid in the Indo-Norwegian Project every year upto the 31st December, 1957;

(b) the total amount paid to officers during the same period; and

(c) the total amount paid to the staff other than the expenditure mentioned in parts (a) and (b) above for the same period?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) to (c). The required information is being collected and will be placed on the table of the House as soon as available.

Anti-T.B. Work in States

89. Shri Panigrahi: Will the Minister of Health be pleased to state:

(a) the amount allotted for anti-T.B work to different States so far in the Second Plan period; and

(b) the amount given to institutions in Orissa so far for this purpose (institution-wise)?

The Minister of Health (Shri D. P. Karmarkar): (a) A statement showing the amounts allotted by the Ministry of Health is given below:—

State.	*Amount.* Rs.
Andhra	6,26,500
Assam	80,000
Bihar	6,69,000
Bombay	9,25,570
Delhi	1,93,000
Himachal Pradesh	1,00,000
Jammu & Kashmir	1,00,000
Kerala	1,78,090
Madhya Pradesh	1,86,000
Madras	5,87,000
Mysore	3,00,000
Orissa	2,00,000
Panjab	12,40,625
Rajasthan	7,42,000
Uttar Pradesh	4,95,000
West Bengal	3,59,600
TOTAL	Rs. 69,82,385

(b) A non-recurring grant of Rs. 2 lakhs has been given to the T.B. Sanatorium, Chandpur, in the Second Plan period for the purchase of equipment etc.

Public Call Offices in Orissa

90. Shri Panigrahi: Will the Minister of Transport and Communications be pleased to state the names of places where public call offices are proposed to be opened in Orissa during the Second Plan period?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): A statement is appended. [*See* Appendix I, annexure No. 38] Further proposals will be sanctioned if found justified.

Central Rice Research Institute

91. Shri Panigrahi: Will the Minister of Food and Agriculture be pleased to state:

(a) the amount of financial grant which has been made available to the Central Rice Research Institute, Orissa since its establishment, year-wise;

(b) the revenues earned, year-wise, from the farm of the Institute from the sale of different farm products;

(c) the total acreage of land now under possession of the Institute;

(d) the nature of researches completed so far;

(e) whether any research has been made with regard to paddy growing in the rice growing areas suffering under drought conditions;

(f) the extent to which the farmers living next to the Research Institute have availed themselves of such research knowledge for improving paddy cultivation; and

(g) whether there is any programme for further expansion of the said Institute?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) The amount of sanctioned budget grant and the actual expenditure year-wise since the establishment

of the Central Rice Research Institute in 1946-47 are given in the statement laid on the Table. [*See* Appendix I, annexure No. 39]

(b) The revenue earned year-wise from the sale of different farm products at the Institute is given in statement laid on the Table. [*See* Appendix I, annexure No. 39]

(c) The total area of land under possession of the Institute is 250 acres of which about 170 acres are under cultivation and the rest under buildings, roads, tanks etc.

(d) The research programme of the Institute centres round fundamental studies on various aspects of rice crop improvement with particular reference to the following:—

(i) Investigations on breeding, genetics and cytology of rice.

(ii) Investigations on fertilizer use and cultural practices.

(iii) Study of the chemistry of water logged rice soils and nutritional requirements of rice crop.

(iv) Investigations on rice diseases and pests and their control.

The fundamental research carried out at the Institute is more of continuous nature. Some of the most outstanding results achieved so far are as under:—

(i) A large number of hybrid seeds from *japonica indica* crosses have been supplied to different countries of South East Asia and various Indian States for further selection of desirable varieties of rice suited to local conditions. Some promising cultures have already been taken up.

(ii) Sub-surface and fractional application of ammonium sulphate is found to be superior to the customary surface application.

(iii) As a result of investigations, multiple and diverse cropping in rice areas is advocated.

(iv) Thirteen varieties of rice from all over India have been found to be resistant to blast even under heavy manuring condition.

(v) The spraying of 0'5% Copper fungicide in low volume nozzle four times or dusting with organic mercurial fungicides effectively controls blast disease of rice.

(vi) Spraying with Folidol or Endrin twice in seeding stage and twice at the flag leaf stage effectively controls stem borers.

(vii) Mixing the powder of rhizomes of an indigenous plant, Sweet Flag, with grain was found to be more effective than either B.H.C. or D.D.T.

(e) Work on drought resistance rices has not yet started. However, some early maturing exotic and indegenous varieties of rice have been found promising and are being tested in different States

(f) The results achieved at this Institute are taken up by the farmers in the vicinity of the Institute due to extensive propaganda and actual demonstrations carried out in the Intensive Cultivation Centre covering an area of about 5,000 acres in the neighbourhood of the Institute

(g) Yes.

The staff of various Divisions is to be strengthened to intensify the research programme and new divisions of Agricultural Engineering and Physiology are to be established the undertaking investigations on the scope of mechanisation of rice cultivation and the physiology of rice plant.

The construction of the laboratories and residential accommodation at the main Institute, the establishment of three Sub-stations for undertaking

on saline, flood and hill rices and the posting of liaison staff in various rice growing States for coordinating the rice research work between the Institute and the various States are contemplated during the 2nd Five Year Plan period.

Railway Employees

92. **Shri Daljit Singh:** Will the Minister of **Railways** be pleased to state:

(a) the number of employees on the Northern Railway declared medically unfit during 1956-57;

(b) the number of employees who were offered alternative jobs on lower grades of pay during the same period; and

(c) the number of employees who were retired from service on medical grounds during the same period?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) to (c). The information is being collected and will be laid on the Table of the Sabha.

Extension of Service to Railway Employees

93. **Shri Daljit Singh:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that extensions are being given to certain categories of employees working on the Railways;

(b) if so, the number of such persons granted extensions during 1957; and

(c) the reasons therefor?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes.

(b) Fifteen.

(c) Due to shortage of experienced technical personnel in certain categories.

Aerodrome at Bhakra

94. **Shri Daljit Singh:**
Sardar Iqbal Singh:

Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether there is any proposal to have an aerodrome at Bhakra in Punjab; and

(b) if so, the details thereof?

The Minister of Irrigation and Power (Shri S. K. Patil): (a) A large number of persons from all over the country and abroad visit the Bhakra Dam, and there being no direct rail connection, these visitors are put to inconvenience. The proposal to construct an aerodrome at a suitable place near the Dam is under consideration.

(b) Details will be worked out after a decision has been taken.

Central Road Fund

95. **Shri Anirudh Sinha:** Will the Minister of **Transport and Communications** be pleased to state:

(a) the amount allotted to the Government of Bihar from the Central Road Fund during the year 1957-58 so far; and

(b) the names of the schemes sanctioned?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) No amount has so far been allotted as no allotment has been asked for by the State Government.

(b) No road scheme has been sanctioned during 1957-58 for being financed from the Central Road Fund. The works which are already in progress in the State are about one hundred.

Sakri-Jaynagar Railway Line

96. **Shri Anirudh Sinha:** Will the Minister of **Railways** be pleased to state:

(a) the year in which the Railway lines between Sakri and Jaynagar on the N.E. Railway were laid;

(b) whether the aforesaid lines have ever been replaced; and

(c) whether these lines have outlived their life?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) The lines between Sakri-Jaynagar were laid in 1905.

(b) Some casual renewals were carried out in 1927 and 1929.

(c) Rails are old but the wear is within permissible limit. Their condition is good enough for running the class of locomotives permitted at booked speed.

The section is programmed for relaying during the Second Five Year Plan period subject to availability of materials.

Community Development and N.E.S. Blocks in U.P.

97. Shri Vajpayee: Will the Minister of Community Development be pleased to state:

(a) the total area and population covered under the Community Development and National Extension Service Schemes in Uttar Pradesh at the end of the First Five Year Plan period district-wise;

(b) the total amount spent by the Central Government thereon during the above period; and

(c) the extent of area and population that will be covered at the end of the Second Five Year Plan period?

The Minister of Community Development (Shri S. K. Dey): (a) to (c). A statement showing the requisite information is attached. [*See* Appendix I, annexure No. 40].

Food Situation in Tripura

98. Shri Bangshi Thakur: Will the Minister of Food and Agriculture be pleased to state:

(a) the measures Government propose to adopt to fight out the food crisis in Tripura; and

(b) the steps Government propose to take with regard to grow more food campaign to prevent such crisis in future in Tripura?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) There is no food crisis in Tripura at present. Sufficient stocks of foodgrains are available with the Tripura Administration and distribution through fair price shops is continuing in deficit pockets.

(b) The following measures have been taken to increase food production m Tripura:—

(i) 25,000 acres of land are being brought under Japanese method of cultivation.

(ii) The distribution of 750 tons of ammonium sulphate and 350 tons of superphosphate has been programmed.

(iii) 10,000 acres of land are being brought under minor irrigation.

(iv) Arrangements are being made for the distribution of 1,500 tons of town compost and production of 36,000 tons of compost from village refuses for further distribution.

(v) Plant protection measures are being taken for controlling pests.

Development of Tourism in Kerala

99. Shri Vasudevan Nair: Will the Minister of Transport and Communications be pleased to state:

(a) whether the Kerala Government have submitted any proposals

for the development of tourism in that State; and

(b) if so, what kind of assistance is proposed to be given by the Central Government for the purpose?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). Certain schemes for the development of tourism in Kerala are already included in the Second Five Year Plan. It is true that certain fresh proposals have been received from the Kerala State Government, which however, could be considered by the Central Government only when the schemes already included in the Plan are taken up for implementation and the position in regard to the availability of funds for new schemes could be reasonably assessed.

Post and Telegraph Offices

100. { **Shri Hem Raj:** / **Shri Padam Dev:**

Will the Minister of **Transport and Communications** be pleased to state:

(a) the number of sub post offices, branch post offices, departmental post offices, telegraph offices and public call offices proposed to be opened during the Second Five Year Plan; and

(b) the number of such offices opened during the first two years of the Second Plan period?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). A statement is laid on the Table of the Sabha. [See Appendix I, annexure No. 41].

Railway Lines in Punjab

101. Shri Ram Krishan: Will the Minister of **Railways** be pleased to state:

(a) the names of the Railway lines surveyed for construction during 1957-58 in Punjab; and

(b) when the actual work of construction will start on these lines?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) and (b). The information is not maintained State-wise but Railway-wise. However, the surveys for the following new Railway lines in Punjab have either been completed or are in progress during 1957-58:—

Surveys in Progress

1. Jagadhari-Chandigarh-Ludhiana.

Surveys Completed

1. Pehowa-Kurukshetra
2. Una-Nangal
3. Hindumalkot-Sri Ganganagar.

The above mentioned lines are not, however, included in the new lines approved for construction in the Second Five Year Plan by the Planning Commission.

Fair Price Shops in Punjab

102. Shri Ram Krishan: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the number of fair price shops at present in Punjab; and

(b) prices at which foodgrains are being sold there?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) At present 83 Fair Price Shops are functioning in Punjab.

(b) Only wheat and rice are being issued from the fair price shops. The range of prices for these grains is as under:—

Wheat Rs. 14·50 n.p. to Rs. 17·50 n.p.

Rice Rs. 18·00 n.p. to Rs. 19·81 n.p.

तकावी ऋण

१०३. **श्री मथल प्रभाकर :** क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली में चालू वर्ष में कितने नये कुएं खोदने के लिये तकावी ऋण दिये गये; और

(ख) तकावी ऋण की धनराशियों का ब्योरा क्या है ?

खाद्य तथा कृषि उपमंत्री (श्री ब० म० थामस) : (क) और (ख). चालू वित्त वर्ष में ३०० नये कूओं के बनवाने के लिए भारत सरकार ने ६ लाख रुपयों की एक योजना स्वीकार की है।

Grazing Ground in Manipur

186. Shri L. Achaw Singh: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether any land within the Luwangsangbam grazing ground in Manipur under attachment of the court for alleged trespass by one contractor of the Central P W D was delivered to the villagers by a First Class Magistrate in Manipur in 1957; and

(b) whether it is a fact that the land in question has been acquired by the Manipur Administration for construction of rice godowns?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) Yes, Sir.

(b) Yes, Sir.

Fruit Preservation Industry in Orissa

185. Shri Panigrahi: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Government of India has sanctioned any amount during the year 1957-58 for establishing fruit preservation industry in Orissa; and

(b) if so, the amount sanctioned?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) and (b). A sum of Rs. 40,000 has been sanctioned for establishing 4 small-scale fruit preservation units in Orissa.

Minor Irrigation Projects in Punjab

186. Shri Ram Krishna:
Shri D. C. Sharma:
Sardar Iqbal Singh:

Will the Minister of **Food and Agriculture** be pleased to state:

(a) the amount allotted to the Punjab State for minor irrigation projects in the Second Five Year Plan; and

(b) the names of the projects to be constructed?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) Rs. 571. 96 lakhs.

(b)

	(Lakh Rs.)
(1) Tube-wells scheme	409.00
(2) Kapurthala Irrigation Scheme	4.50
(3) Kuhls in Kangra & Ambala	19.00
(4) Construction of drains in canal areas	19.00
(5) Bunds in Gurgaon	9 50
(6) Taccavi loans for sinking tube wells	18.31
(7) Taccavi loans for sinking and repairs of percolation wells	73.40
(8) Taccavi loans for purchase of pumping sets	16.75
(9) Repairs of kuhls	2.50
Total:	571.96

Doubling of Delhi Sarai Rohilla-Garhi Harsaru Railway Line

187. Shri Ram Krishan: Will the Minister of **Railways** be pleased to state:

(a) since when the construction of doubling of Railway line from Delhi Sarai Rohilla to Garhi Harsaru has been going on; and

(b) by what time the work will be completed?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) October 1956.

(b) In 1958.

Family Planning Centres

168. Shri Vajpayee: Will the Minister of Health be pleased to refer to the reply given to Unstarred Question No. 804 on the 28th November, 1957 and state:

(a) the number of family planning centres established in the Eastern Districts of Uttar Pradesh so far;

(b) the amount given by the Central Government to the U.P. Government for the purpose of propagating family planning during 1957-58 so far; and

(c) the additional steps Government propose to take to meet the situation in view of the recommendations made by the Foodgrains Enquiry Committee?

The Minister of Health (Shri D. P. Karmarkar): (a) One Family Planning Centre has so far been established at Ballia; but the State Government has issued orders for the establishment of such centres at the following places in the Eastern Districts of Uttar Pradesh:—

1. Varanasi urban centre.
2. Lalganj (Distt. Azamgarh) rural centre.
3. Kaisarganj (Distt. Bahraich) rural centre.
4. Sirsia (Distt. Bahraich) rural centre.
5. Garwar (Distt. Ballia) rural centre.
6. Rudauli (Distt. Bara Banki) rural centre.
7. Dhanwapur (Distt. Basti) rural centre.
8. Captainganj (Distt. Deoria) rural centre.
9. Jalalpur (Distt. Faizabad) rural centre.
10. Nichlaul (Distt. Gorakhpur) rural centre.
11. Dubhi (Distt. Mirzapur) rural centre.
12. Kurebhar (Distt. Sultanpur) rural centre.

(b) Rs. 600 to State Government and Rs. 40,377 to Voluntary Organisations and Local Bodies in Uttar Pradesh have so far been sanctioned for Family Planning Schemes. Further amount of grant-in-aid on account of Government of India's share of expenditure will be sanctioned as and when proposals are received. Uttar Pradesh Government has issued orders to open 5 urban and 35 rural centres during 1957-58.

(c) Besides sanctioning grants for family planning clinics, Government of India has established training centres, given financial assistance to State Governments to open regional training centres and clinics in every teaching institution for doctors and medical auxiliaries has prepared posters, pamphlets and films for family planning propaganda and is conducting research to produce cheap and effective contraceptives.

हरपालपुर रेलवे स्टेशन पर पानी की कमी

१०९. **श्री रा० स० तिवारी :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को विदित है कि मानिकपुर–झांसी लाइन पर हरपालपुर रेलवे स्टेशन पर पानी की कमी के कारण यात्रियों को बड़ी परेशानी होती है;

(ख) हरपालपुर रेलवे स्टेशन पर पानी के नल लगाने की योजना में क्या प्रगति हुई है;

(ग) इस योजना को कार्यान्वित करने में कितना समय लगेगा; और

(घ) इस योजना के लिये कितनी धन–राशि मंजूर की गयी है ?

रेलवे उपमंत्री (श्री शाहनवाज खां): (क) जी हां। सरकार को यह मालूम है कि इस समय आदमी रख कर पानी पिलाने की जो व्यवस्था है, वह यात्री-यातायात बढ़ जाने की वजह से काफी नहीं है।

(ख) पानी के नल लगाने का काम चालू है और लगभग ५० प्रतिशत काम पूरा हो चुका है।

(ग) लगभग तीन महीने।

(घ) ४६,६१६ रुपये।

Divisional Headquarters at Khurda Road

110 **Shri Sanganna:**
Shri Surendranath Dwivedy:

Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 68 on the 12th November, 1957 regarding the Divisional Headquarters at Khurda Road and state:

(a) whether any decision has since been taken; and

(b) if so, what is the decision?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) No.

(b) Does not arise.

Railway Service Commission, Madras

111. **Shri R. S. Murthy:** Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 1733 on the 16th December, 1957 and state:

(a) the number of vacancies of Members of the Railway Service Commission, Madras which occurred during 1957; and

(b) the number of those filled by persons belonging to the Scheduled Castes and Scheduled Tribes?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Nil.

(b) Does not arise.

Bonus and Gratuity

112. **Shri Achint Ram:** Will the Minister of Railways be pleased to state:

(a) whether there is a rule that the accounts of bonus and gratuity of those Railway employees who retire from their service are cleared within three months of their retirement;

(b) if so, the number of such employees whose accounts have not been cleared up to the 31st of December, 1957;

(c) the number of such persons against whom Commercial Debits stand and have not been finalised within a specified period of three months; and

(d) the action Government propose to take for the observance of those rules in future?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes, Sir.

(b) 9,819

(However part payment of either Provident Fund dues or Special Contribution to Provident Fund dues or both, have been made in about 75 per cent of these cases.)

(c) Provident Fund cases—271
Special Contribution to Provident Fund cases—389.

(d) In order to expedite the payment of settlement dues immediately after retirement, the Railway Administrations have been instructed that

(i) every month a list of staff due for retirement in the Calendar month falling six months later should be sent to the Accounts Officer, Co-operative Societies and others concerned so that initial steps for ascertaining recoverable debits and the closure of the Provident Fund Accounts etc. could be taken in time; and

(ii) transfer of staff generally and Commercial staff in particular within 6 to 12 months of the date of superannuation should be prohibited, except in cases where the transfer is unavoidable such as on promotion.

Apart from the above, the Railway Board are continuously watching the prompt clearance of settlement dues.

Consolidation of Land Holdings

113. Shri Damani: Will the Minister of Food and Agriculture be pleased to state the progress made in regard to the consolidation of land holdings till 31st December, 1957 in different States?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): Information for the First Plan period is contained on page 327 of the Review of the First Five Year Plan which was published by the Planning Commission. Information upto 31st December, 1957 is being collected and will be placed on the Table of the House as soon as it is received.

National Highways in U.P.

114. Shri D. C. Sharma: Will the Minister of Transport and Communications be pleased to state:

(a) the mileage of National Highways running in the U.P. (route-wise); and

(b) the development schemes proposed?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). Two statements giving the required information are attached. [*See* Appendix, I, annexure No. 42]

Wheat Imports

115. Shri D. C. Sharma: Will the Minister of Food and Agriculture be pleased to state:

(a) the total quantity of wheat imported during the last four years, year-wise with its value; and

(b) the quantity sold out of the above imports and the total amount realised?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a)

Year	Quantity in '000' tons	Cost and Freight value in lakhs of rupee
1954	197	628
1955	435	1526
1956	1095	3567
1957	2846	11959
Total	4573	18080

(b) 4·56 million tons for Rs. 175 crores.

Development of Fisheries

116. Shri D. C. Sharma: Will the Minister of Food and Agriculture be pleased to state:

(a) whether any grants have been sanctioned to the Punjab State for the development of fisheries; and

(b) if so, to what extent, year-wise?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) Yes.

(b) 1952-53 Rs. 6,440·00
1953-54 Nil
1954-55 Nil
1955-56 Rs. 12,600·00 (Pepsu only)
1956-57 Rs 66,986·00 (includes Rs 22,616 for Pepsu)
1957-58 Rs 11,187·00

Railway Passenger Amenities

117. Shri Daljit Singh: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that there are no sheds on the platform at Hoshiarpur Railway Station on the Northern Railway; and

(b) if so, whether there is any proposal to provide sheds on this station against sun and rain?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes, Sir.

(b) It is proposed to provide a platform cover in 1959-60 subject to the approval of the Railway Users' Consultative Committee and availability of material.

Export of Sugar

118. Shri Anirudh Sinha: Will the Minister of Food and Agriculture be pleased to state the quota of Sugar allowed for export for the year 1958 (in tons)?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): No quota has been fixed but Government would welcome export of sugar in excess of internal requirement.

टेलीफोन

११९ **श्री खाडिलकर :** क्या परिवहन तथा संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि चिपलून और महाड़ (बम्बई राज्य) जैसे शहरों में टेलीफोन सदा खराब रहते है ;

(ख) यदि हां, तो इसके क्या कारण है; और

(ग) इस हालत को सुधारने के लिये सरकार का क्या कार्यवाही करने का विचार है ?

परिवहन तथा संचार मंत्रालय में राज्य-मंत्री (श्री राज बहादुर): (क) चिपलून में एक सार्वजनिक टेलीफोन घर है तथा महाड़ में भी एक ऐसा टेलीफोन घर है । ये दोनों सार्वजनिक टेलीफोन घर पनवेल टेलीफोन केन्द्र के साथ काम कर रहे हैं, जो स्वयं बम्बई ट्रंक टेलीफोन केन्द्र से संयोजित है । इन सार्वजनिक टेलीफोन घरों का कार्य सन्तोषप्रद रहा है । जुलाई-दिसम्बर १९५७ में महाड़ के सार्वजनिक टेलीफोन घर के संयोजन का औसत कार्यकौशल (average efficiency) ९९.५% था, जबकि इसी अवधि में चिपलून के सार्वजनिक टेलीफोन घर के संयोजन का औसत कार्य-कौशल ९७.८% था ।

(ख) और (ग). प्रश्न नहीं उठता ।

Lighthouse at Vadanapalli

120. { **Shri Punnoose:** / **Shri Vasudevan Nair:**

Will the Minister of **Transport and Communications** be pleased to state:

(a) whether Government have received any representation from the Vadanapalli Fishermen's Union for construction of a lighthouse at Vadanapalli, Kerala; and

(b) if so, the steps taken by Government thereon?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes.

(b) Certain preliminary investigations were undertaken by the Director General of Lighthouses and Lightships. These have just been completed.

Family Planning Centres in Andhra Pradesh

121. Shri Bali Reddy: Will the Minister of **Health** be pleased to state:

(a) the number of Family Planning Centres opened in the Andhra Pradesh and in Block Development areas during 1957-58 so far; and

(b) the amounts allotted to the centres during the period?

The Minister of Health (Shri D. P. Karmarkar): (a) Ten family Planning Centres have so far been opened in Andhra Pradesh. There is a proposal

to open 45 Family Planning Centres in Block Development areas by the State Government during the current financial year.

(b) Rs. 92,851 have so far been sanctioned during this year for the Family Planning Centres to the State Government and voluntary organisations in Andhra Pradesh. Further amount will be sanctioned as and when proposals are received from the State Government.

Telephone Exchange at Shahbad

122. Shri M. C. Jain: Will the Minister of Transport and Communications be pleased to refer to the reply given to Unstarred Question No. 295 on the 30th July, 1956 and state:

(a) whether telephone exchange has since been installed at Shahbad, District Karnal; and

(b) if not, the cause of the delay and the time by which the exchange is expected to be installed?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). A 10 line Board has since been installed at Shahbad for giving extension telephones from the Public Call Office. A Departmental Exchange is not justified at present.

Trains on Northern Railway

123. Shri M. C. Jain: Will the Minister of Railways be pleased to state:

(a) whether additional trains have been started recently on some lines on the Northern Zone; and

(b) if so, the details and reasons thereof?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes.

(b) During the period from 1st October, 1957 to 1st January, 1958, 8 additional trains—6 on the Broad Gauge and 2 on the Meter Gauge—as indicated below, have been introduced to relieve overcrowding on the sections concerned.

Train Services	Sections on which introduced
Broad Gauge	
One train each way	Hathras-Hathras Killah
One train each way	Ludhiana-Jullundur City
One train each way	Ghaziabad-Delhi
Metre Gauge	
One train each way	Bhatinda-Kalanwali

राज्यों में परिवार नियोजन योजनायें

१२४. **श्री जगदीश अवस्थी :** क्या स्वास्थ्य मंत्री २८ नवम्बर, १९५७ के अतारांकित प्रश्न संख्या ८०४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि परिवार नियोजन योजनाओं के लिये भारत सरकार ने १९५७–५८ में विभिन्न राज्य सरकारों को राज्यवार कितनी कितनी धनराशि दी ?

स्वास्थ्य मंत्री (श्री करमरकर): एक विवरण जिसमें अपेक्षित सूचना दी गई है, सभा की मेज पर रख दिया गया है। [देखिये परिशिष्ट, १, अनुबन्ध संख्या ४३]

Distribution of Foodgrains

125. Sardar Iqbal Singh: Will the Minister of Food and Agriculture be pleased to state the quantity of foodgrains distributed through the fair price shops State-wise and month-wise in 1957 and 1958 so far?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): The quantities of foodgrains distributed by Government during 1957 and January, 1958 were as below:—

(In, 000 tons)

State	1957												1958
	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.
Andhra Pradesh	2·2	1·9	2·4	1·6	1·7	2·0	3·4	3·6	6·5	3·4	2·9	3·4	2·3
Assam	2·9	1·0	2·6	3·2	4·3	4·9	5·0	6·6	9·0	9·4	8·4	8·4	5·7
Bihar	9·6	11·4	8·0	9·7	12·3	26·5	33·8	38·1	29·6	32·8	37·5	30·3	32·3
Bombay	43·7	29·6	51·1	34·9	37·2	55·7	54·9	50·0	60·9	46·5	40·4	36·1	45·6
Kerala	25·5	13·6	17·9	21·4	25·7	23·9	26·8	27·2	15·4	11·4	11·1	11·7	3·2
Madhya Pradesh	10·0	9·5	9·1	7·7	2·2	3·5	4·2	4·1	2·6	1·3	1·5	0·9	0·8
Mysore	6·3	5·1	5·6	5·1	4·3	4·4	6·5	6·2	6·7	6·0	7·2	6·3	5·4
Madras	12·0	9·1	7·7	6·6	9·1	7·9	13·0	13·0	11·0	10·7	12·0	12·7	11·2
Orissa	1·1	0·6	0·5	0·8	0·5	0·6	1·2	1·2	3·0	3·5	3·1	2·8	2·0
Delhi	17·9	16·8	16·8	16·1	15·1	10·9	3·6	3·6	2·9	2·7	3·1	3·6	5·0
Punjab	9·7	7·8	10·7	6·0	0·7	0·1	0·4	0·7	0·6	0·2	0·2	0·1	0·2
Rajasthan	4·4	5·6	4·5	6·2	1·0	0·4	0·8	5·5	1·1	2·6	1·0	0·5	0·7
West Bengal	36·2	31·1	43·9	34·7	37·4	52·9	55·1	74·5	87·7	71·5	78·0	60·2	67·3
Uttar Pradesh	47·4	49·1	47·8	29·0	15·3	18·5	20·5	30·2	27·9	18·2	18·5	20·8	21·1
Jammu & Kashmir	4·3	4·2	6·6	7·2	6·9	7·3	8·7	8·7	8·2	6·3	7·6	7·6	7·6
Himachal Pradesh	..	..	..	0·2	..	..	..	..	0·4	1·1	..	..	..
Tripura	1·3	1·4	1·8	1·8	2·3	3·4	3·1	1·2	0·7	0·8	1·4	1·1	1·1
Andamans	0·1	0·1	0·1	0·1	0·1	0·1	0·1	0·1	0·1	0·2	0·2	0·2	0·2
Manipur	..	0·6	0·4	0·3	0·2	0·6	..	..	..	0·2	0·7	0·6	0·6
Others	27·3	20·5	32·2	20·3	17·3	8·7	8·6	14·0	12·6	10·5	10·4	14·2	9·3
TOTAL	261·9	218·0	269·7	212·9	193·6	232·3	249·7	288·5	286·9	239·3	245·2	221·5	221·6

Import of Locomotives

128. { Sardar Iqbal Singh: / Shri D. C. Sharma:

Will the Minister of Railways be pleased to state:

(a) the names of the countries from which locomotives were imported in the last five years; and

(b) the number of locomotives purchased and at what price?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Austria, Belgium, Czechoslovakia, France, Germany, Hungary, Italy, Japan, Poland Switzerland, U.K., Yugoslavia and U.S.A.

(b) A statement is enclosed. [*See* Appendix I, annexure No. 44]

Purchase of Railway Stores

127. { Sardar Iqbal Singh: / Shri H. N. Mukerjee: / Shri Muhammed Elias:

Will the Minister of Railways be pleased to state:

(a) the total value of stores purchased by the Indian Railways in foreign countries during 1957-58 so far; and

(b) the steps taken to bring down foreign purchases to the minimum?

The Deputy Minister of Railways (Shri Shanawaz Khan): (a) The information is being collected, and will be laid on the table of the Sabha in due course.

(b) A statement is enclosed. [*See* Appendix I, annexure 45].

Co-operative Sugar Mills in Punjab

128. Sardar Iqbal Singh: Will the Minister of Food and Agriculture be pleased to state:

(a) whether any amount has been sanctioned for the Co-operative Sugar Mills in Punjab during the year 1957-58; and

(b) if so, to what extent?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a). and (b). An amount of Rs. 3 lakhs was remitted to the Punjab Government in April, 1957, by the National Co-operative Development and Warehousing Board, against sanction for 1956-57, for participating towards the share capital of Batala Cooperative Sugar Mills.

2. In addition, the Industrial Finance Corporation disbursed the following loans:—

(1) Rs. 10 lakhs on 29th May, 1957 to the Panipat Cooperative Sugar Mills, Ltd;

(2) Rs. 11 lakhs on 22nd November, 1957, to the Haryana Cooperative Sugar Mills, Ltd.

Sheds at Abohar Station

129. Sardar Iqbal Singh: Will the Minister of Railways be pleased to state:

(a) whether Government are aware of the fact that there are no sheds on the platform at Abohar Station on the Northern Railway; and

(b) if so, whether Government propose to provide sheds on this station?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes, Sir.

(b) Yes, Sir. The work is likely to be taken up in the current financial year.

Co-operative Farming in Bombay

130. Shri Pangarkar: Will the Minister of Food and Agriculture be pleased to state:

(a) the extent to which Bombay Government have accepted the policy regarding introduction of co-operative farming framed by the Planning Commission; and

(b) the steps taken by the State Government to give effect to this policy?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a). The Government of Bombay are in general agreement with the policy laid down by the Planning Commission regarding introduction of Co-operative Farming.

(b). The State has set apart a sum of Rs. 44·50 lakhs for promoting co-operative farming. In 1956-57, 29 Co-operative Farming Societies were organized and assistance amounting to Rs. 3·03 lakhs was granted. For the current year a target of 25 societies was aimed and a sum of Rs. 10·58 lakhs was earmarked.

MOTIONS FOR ADJOURNMENT

SUICIDE BY A STUDENT OF DELHI POLYTECHNIC

12 hrs.

Shri A. K. Gopalan (Kasergod) *rose.*

Mr. Speaker: I will come to him later.

I have received notices of two or three adjournment motions and also a Calling attention notice regarding the suicide committed by a student of the Delhi Polytechnic on Saturday, the unhelpful attitude of the authorities towards it, as a consequence of which some 2,000 students of the Delhi Polytechnic Institute including those of the Technical Secondary School have gone on strike on Tuesday, creating a grave situation in Delhi.

I would not have read it out but for the fact that it is stated here that the boy got on the top storey of the building itself and from there jumped out and committed suicide. Two thousand students have gone on strike. That is what is stated in the other adjournment motions. They want a judicial enquiry and so on. What is the situation if a boy should fall down from the top floor of an institution?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): May I say, Sir,—my colleague will explain the position—it is not expected of a Government to help a person who intends to commit suicide. The motion says, unhelpful attitude of the Government in regard to suicide. It was unhelpful. We do not help people who want to commit suicide. (*Interruption*).

Mr. Speaker: What has the hon. Minister to say regarding circumstances?

The Deputy Minister of Education and Scientific Research (Shri M. M. Das): At the present moment, we have got no information at our disposal. If you will permit me to say, Sir, we have already issued orders for collection of all relevant information. We will make a statement as soon as the information is at our disposal.

An Hon. Member: Tomorrow?

Mr. Speaker: As early as possible. I agree, it is not as if a man wants to commit suicide, anybody can go on watching him and prevent him from committing suicide. We are more concerned, because it is directly under the Central Government, and want to know what exactly are the causes which have induced one student to commit suicide in the premises of the Polytechnic. We are agitated over this matter. Of course, an adjournment motion is not the proper method of bringing it to the notice of the House. I will wait. The hon. Minister will make a thorough enquiry regarding this and place the relevant material before the House. In view of the statement, I am not called upon to give my consent to this.

Dr. Ram Subhag Singh (Sasaram): This particular student here who committed suicide was having grievances against the authorities of the Institution. He had also made an effort to meet the Prime Minister and ventilate his grievances. One day, he wanted to fall from the bus. Then, he took this action. It is unfortunate

[Dr. Ram Subhag Singh]

that he should jump out from the building.

Shri Jawaharlal Nehru: I do not know the relevance of what the hon. Member says.

Mr. Speaker: Many students could place their grievances, but need not commit suicide.

Shri Jawaharlal Nehru: It is an extraordinary state of affairs. I have somebody or other sitting in front of my gate on so-called hunger strike. If I may say so, this business of hunger strike is something which we should not encourage. I am not prepared to deal with any hunger strike or...

Shri Vajpayee (Balrampur): Is it relevant on the part of the Prime Minister to refer to hunger strike? What has that got to do with the Delhi Polytechnic?

Shri Braj Raj Singh (Firozabad): It is well known that they submitted to it in the case of Andhra. Now, they are not prepared.

Mr. Speaker: Order, order. This is most irrelevant.

Shri Jawaharlal Nehru: If we make one mistake, why should we make another?

Mr. Speaker: Let us consider more calmly. There is nothing to lose oneself here.

Alleged distortion of facts by Ministers

Mr. Speaker: There is another adjournment motion received late from Shri A. K. Gopalan. So far as this matter is concerned, Shri A. K. Gopalan has sent me a notice yesterday or day before and again sent a notice today stating that some Minister made mistakes and incorrect statements on the floor of the House in answer to questions. There is a regular procedure; I have told him. Still, he wants to raise it here. There is a regular procedure as to what has to be done, in the Directions.

> "A member wishing to point out any mistake or inaccuracy in a statement made by a Minister or any other member shall, before referring to the matter in the House, write to the Speaker pointing out the particulars of the mistake or inaccuracy and seek his permission to raise the matter in the House."

When he gave the notice, he said that these are all the incorrect ones. I must be satisfied that *prima facie* there is some evidence for this statement. Merely a statement in the press or elsewhere is not enough. I must be given an opportunity to look into this. He gives the notice and immediately he says today I want to raise it. He gave notice a few minutes before the House sat. I must address myself to the various supplementaries here. When am I to make up my mind? Though I told him repeatedly that at any rate I will bring it up before the House if I think it proper and necessary tomorrow, he wants to raise it here. He was the Leader of a Group and so I should allow him to say what he wants to say: that is not right. I should have an opportunity to decide one way or the other.

Shri A. K. Gopalan: All that I wanted when I wanted to raise the matter is this. You have got the right as the Speaker to say that, as far as these matters are concerned, you will go into them and give a reply after some time. That is what I wanted, if you think that this is a matter that wants some consideration. As far as I am concerned, I have looked into this mistake or inaccuracy.

Mr. Speaker: We shall go into the matter.

Shri A. K. Gopalan: There is no mistake. It is not an inaccuracy. If it is only a mistake, certain corrections are made. It is neither a mistake nor an inaccuracy. In the reply that was given and also in answer to

the speeches something was said which was distorted. Also I wanted to bring it up because there was no precedent also. I wanted to bring it to your notice so that you may think about it.

Mr. Speaker: Order, order. All that I want to say is this. It is open to any hon. Member, subject to the rules, to bring any matter to the notice of the House and give notice to the Speaker. Even if there is no precedent, if the hon. Member thinks, there is a proper procedure, I am not bound to accept it. But, I must examine what it is. When I say I will bring it up tomorrow, to raise it again on the floor of the House is not right. Let me look into it and intimate what ought to be done.

Shri A. K. Gopalan: There is no procedure so far as this question is concerned. How can I follow any procedure when in the rules here there is no procedure as far as contempt of the House is concerned? That is why I wanted to bring it up. If there had been a procedure, I would have followed that procedure. There is no procedure. Article 105 (3) of the Constitution does give a certain direction. So, I wanted to point out that to you so that you can see. If there had been a certain procedure as far as the question mentioned in the notice is concerned, I would have followed that procedure. There is no precedent. There is no procedure as far as this question is concerned. In the first sentence itself I have said that I want your guidance. There is no procedure laid down in the Rules of Procedure. Also there is no precedent. So, I wanted your guidance as to what I can do. That is what I have said. The Constitution has given a guidance. It is said, where is no guidance or procedure, you can follow the procedure of the House of Commons. I have quoted that and said that this must be taken, it is very important. Also, it is not a question of mistake or inaccuracy. I say it is a calculated distortion of facts given to this House. So, there is contempt of Lok Sabha, Parliament.

Mr. Speaker: I have heard. Where there is no specific rule guiding as to what ought to be done in a particular case, there is a provision, there is a rule that what the Speaker says is the rule. (*Interruption*) Whenever there is no rule, he must take the guidance of Speaker. I said I will look into the matter tomorrow. What is the meaning of raising it today?

Shri A. K. Gopalan: About procedure there is a direction in the Constitution. I never knew that the Speaker is above the Constitution. There is a certain provision in the Constitution. The Constitution lays down something. I never knew the Speaker has a right above the Constitution.

Shri H. N. Mukerjee (Calcutta—Central): We had thought, rightly or wrongly, that there was such a thing as a concept of contempt of Parliament which is interpreted in a certain way in Erskine May. We also thought the Finance Minister has behaved in a manner which comes under the orbit....

Mr. Speaker: We are not going into the merits.

Shri H. N. Mukerjee: We want your guidance in ascertaining what the concept of contempt is, and that is why, this being such a serious matter, the whole country having been roused to the sense of discrepancy between what the Minister said here and elsewhere in a very responsible manner after making an oath, we want that concept to be determined by you. After consultation with the Leader of the House, we can discuss it in the House or round a table, but this is a matter which has to be taken notice of.

Shri Jawaharlal Nehru: I find that advantage is being taken of question and answer to discuss this matter. It

[Shri Jawaharlal Nehru]

is hardly a proper way to discuss the matter. You have said you will consider it. I do not see what other question arises.

Mr. Speaker: I am also a little surprised at this. The erstwhile leader and the deputy leader of the group place certain matters before the Speaker. The Speaker says: "I will look into this matter and see whether I can bring it before the House or not". Then immediately he wants to force it. In one breath he says "I want the guidance of the Speaker"; in another breath, even before the guidance is available as to whether it ought to be brought before the House or not, they start speaking referring to various matters. What is the procedure? Hon. Members want to do without the Speaker himself?

I shall look into this matter. If I have any doubts as to whether it should be brought up or not, what ought to be the procedure regarding this matter etc., I shall talk to them, and ultimately, whether today or tomorrow or the day after, I shall bring it up, if there is need to bring it up. I shall send for them and discuss the matter with them.

This matter will stand over till tomorrow or the day after.

Dr. Sushila Nayar (Jhansi): I take very strong objection to the way in which the Communist leader and deputy leader referred to the Speaker being above the Constitution. In the House the Speaker is the interpreter of the Constitution. The Speaker's word is the last word, and therefore I suggest that the hon. Members should take back their remarks. They have no business to cast reflection on the Speaker's rulings.

Mr. Speaker: I feel that in an attempt to correct a contempt, hon. Members are unconsciously trying themselves to commit contempt of this House. It is very wrong. I will proceed to other subjects. It is no good getting excited over these matters.

Shri Tangamani (Madurai): We are trying to explain.

Shri V. P. Nayar (Quilon): May I draw your attention to your own ruling.....

Mr. Speaker: Later on, not now.

Shri V. P. Nayar.....to your direction in this matter which you quoted to us. It is stated that a member wishing to point out.....

Mr. Speaker: I have looked into that. I shall consider. I shall look into this matter as to what ought to be done. A notice is given. Straightaway as soon as a notice is given, it is not open to a Member to say: "I will raise this matter here".

PAPERS LAID ON THE TABLE

MODIFICATIONS IN STERLING PENSIONS ARRANGEMENTS OF 1955

The Deputy Minister of Finance (Shri B. R. Bhagat): I beg to lay on the Table a copy of the letters exchanged between the Finance Minister and the High Commissioner for the United Kingdom setting out the agreements reached on certain modifications in the Sterling Pensions arrangements of 1955. [See Appendix I, annexure No. 46.]

STATEMENT SHOWING ACTION TAKEN BY GOVERNMENT ON ASSURANCES ETC.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table the following statements showing the action taken by the Government on various assurances, promises and undertakings given by Ministers during the various sessions shown against each:

(1) Supplementary Statement No. I—Third Session, 1957 of Second Lok Sabha. [*See* Appendix I, annexure No. 47.]

(2) Supplementary Statement No. VII—Second Session, 1957 of Second Lok Sabha. [*See* Appendix I, annexure No. 48.]

(3) Supplementary Statement No. VIII—First Session, 1957 of Second Lok Sabha. [*See* Appendix I, annexure No. 49.]

(4) Supplementary Statement No. VII—Fifteenth Session, 1957 of First Lok Sabha. [*See* Appendix I, annexure No. 50.]

(5) Supplementary Statement No. XV—Thirteenth Session, 1956 of First Lok Sabha. [*See* Appendix I, annexure No. 51.]

(6) Supplementary Statement No. XIX—Twelfth Session, 1956 of First Lok Sabha. [*See* Appendix I, annexure No. 52.]

PETITION *RE* INDIAN RAILWAYS ACT, 1890

Secretary: Sir, under Rule 167 of the Rules of Procedure and Conduct of Business in Lok Sabha, I have to report that a petition as per statement laid on the Table has been received in respect of the Indian Railways Act, 1890.

Statement

Petition No.	Brief subject	Number of signatories	District	State
13	In respect of the Indian Railways Act, 1890.	1	Kaimganj	U.P.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

SMUGGLING OF RICE FROM ANDHRA PRADESH

Shri N. R. Munisamy (Vellore): Under Rule 197, I beg to call the attention of the Minister of Food and Agriculture to the following matter of urgent public importance and I request that he may make a statement thereon:

"Smuggling of rice from Andhra Pradesh and consequent increase in Price of rice".

The Minister of Food and Agriculture (Shri A. P. Jain): The Government of India are aware that stocks of rice are being taken out of the southern zone from Andhra Pradesh in contravention of their orders. It is likely that but for this the prices would have been lower than what they are at present in Andhra Pradesh and in other States in southern zone.

The Central Government have prohibited the movement of rice by rail from stations in the delta districts of Andhra to certain stations out of the southern zone bordering on Bombay and Goa. The Government of Mysore have created a no-movement-zone round Goa, and have also taken steps to prevent smuggling of rice by road into Goa and the State of Bombay.

The Government of Andhra Pradesh were advised by the Central Government early in December, 1957 and again early in January 1958 to take necessary steps to prevent smuggling of rice by road from that State outside the southern zone. No report has so far been received from the State Government indicating what steps, if any, they have taken.

BUSINESS OF THE HOUSE

The Prime Minister and Minister of External Affairs Shri Jawaharlal Nehru): Mr. Speaker, I should like to give some general business to be about the legislative measures and other business to be brought forward before the Lok Sabha during this session.

A major part of the session will be taken up with the discussion and voting of the Demands for Grants in respect of the Railway and the General

[Shri Jawaharlal Nehru]

Budgets scheduled to be presented on February 17 and 28th respectively. The programme of dates for the financial Bills has already been communicated to the Members.

Among the more important new Bills to be introduced apart from the Finance Bill, will be the Merchant Shipping Bill, the Trade and Merchandise Marks Bill, the Indian Statistical Institute Bill and the Banking Companies (Amendment) Bill. All these will be taken into consideration except for the Merchant Shipping Bill which it is proposed to refer to a Joint Committee.

The Probation of Offenders Bill, which is expected to be reported by the Joint Committee shortly, will be taken into consideration during the session.

Certain other items of legislative business likely to be brought forward have already been communicated in the probable list of business for the session.

According to the usual practice, the Minister of Parliamentary Affairs will announce at the end of each week the business for the following week.

May I add that it is my intention to lay on the Table of the House in the course of possibly two days the report received of the commission of enquiry appointed in regard to certain transactions of the Life Insurance Corporation? I received that report yesterday, and we are immediately taking steps to get copies made or printed. Possibly by day after tomorrow they will be ready, and I shall have them placed on the Table of the House.

Further, it is our desire to have a discussion on that at the earliest convenient opportunity. Perhaps the most convenient time would be immediately after the conclusion of the debate on the President's address.

Shri H. N. Mukerjee (Calcutta—Central): Can I make a request to you that along with the report, the evidence which was given before the Chagla Commission should also be placed before us, because I feel we can only discuss the report satisfactorily if we can go into the evidence at least to a certain extent? Otherwise, we shall not be able to have a satisfactory discussion.

Shri Jawaharlal Nehru: There is nothing secret about the evidence. It has appeared in the press, but it is physically impossible for us to place the evidence. If it is to be printed, it will take, I imagine, two to three weeks.

Shri H. N. Mukerjee: They can be placed in the Library. We are prepared for voluminous study and reference of this matter.

Shri Jawaharlal Nehru: It is not that. It is a question of our being ready. I cannot place it. I do not know even where it is yet, but presuming we can get it, copies to be made of that is a very lengthy affair. As a matter of fact, this case was very well reported in the newspapers.

Shrimati Renu Chakravartty (Basirhat): There are certain chunks of evidence which have not appeared in the newspapers, and that is why at least a few copies should be made available to Members and put in the Library, even if each one cannot get a copy.

Shri V. P. Nayar (Quilon): We cannot go by the newspaper reports.

Mr. Speaker: Is it the desire of the hon. Members that this debate may be put off by a fortnight?

Some Hon. Members: No, no.

Mr. Speaker: Then it cannot be placed in the Library.

An Hon. Member: Copies.

Mr. Speaker: If it is possible to have one or two copies, we shall try.

Shri Jawaharlal Nehru: I do not yet know where it is.

Shri Achar (Mangalore): In the Library they may keep at least a dozen copies of the evidence.

Mr. Speaker: There the matter stands. If we want to have it as early as possible, we may not be able to have the copies. It is to be taken up after the President's Address, after only two or three days, very shortly after the President's Address, hon. Members may or may not have the copies. Government will try to find out if it is possible. If it is possible, one copy may be placed; otherwise, we will go with the evidence that has been made available in the press.

STATEMENT *RE*: CRASH OF AN I.A.F. AIRCRAFT

The Minister of Defence (Shri Krishna Menon): Government deeply regret to have to inform the House that an Indian Air Force Bomber, a Liberator, struck high hills in bad weather near Coimbatore and crashed at 0915 hours on the 5th of February, 1958, and all the 10 service personnel who were on board were killed. The aircraft was completely destroyed.

This aircraft was on a routine naval operational exercise and flying from Sulur, Coimbatore, to Cochin. The names of persons involved in this fatal accident are Flt. Lt. D. Kochar, Fg. Off S D Jadav, Fg. Off. A. K. Ghosh, Fg. Off N. K. Tamhankar, Lt. C. P. Ramachandran (Navy), Warrant Officer C. B. Menon, Flt. Sgt. S. Govindaswami, Sgt. K. Natarajan, Sgt. S. N. Sharma and Sgt. S. S. Sachar.

The next-of-kin of the above personnel were informed as soon as information of the accident and the fatalities were known to Air Headquarters and according to usual practice. Claims for compensation etc. will be considered and implemented in accordance with rules and promptly. Personal messages of sympathy and condolence were sent by me on behalf of the Armed Forces and the Government to the next-of-kin of each of the above personnel by a personal letter.

Government would like to pay their tribute in this House to these valiant officers of our Armed Forces who thus lost their lives in the course of the discharge of their duties in the service of the country. Although nothing by way of any statement can serve to replace the great grief of the bereaved, the sympathy of Government and this House will, we hope, in some small measure, serve to assuage their feelings of grief and be of some consolation to the fellow officers and men who worked with them and feel their loss very deeply. Government also hope that the next-of-kin and other bereaved will find the strength to make the re-adjustments imposed upon them by this calamity.

A court of Enquiry according to Air Force rules has been ordered. No further particulars are available at present nor can be given until the findings of the Court of Enquiry are received, as any such can only be based on speculation or inadequate information and will therefore nor be fair or purposeful.

CORRECTION OF ANSWER TO SUPPLEMENTARY TO STARRED QUESTION No. 1142

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): In reply to a supplementary question asked by Shri Thirumala Rao on the 16th December, 1957, arising out of Starred Question No. 1142 by Shri Jhulan Sinha regarding interest on loans to shipping companies, I had stated that about Rs. 50 crores were to be invested in the non-lapsable Shipping Development Fund made up of contributions from the Consolidated Fund of India of Rs. 10 crores during the years 1957-58, 1958-59, 1959-60 and 1960-61 and repayments of the loans

[Shri Raj Bahadur]

or interest thereon. This information given by me was based upon an earlier proposal and was not quite correct. I would, therefore, like to clarify the answer by further informing the House that what has been decided is that the quantum of the annual contribution to be made from the Consolidated Fund of India to the new fund would be determined from time to time in accordance with the overall financial position of the country.

BUSINESS ADVISORY COMMITTEE

SEVENTEENTH REPORT

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

> "That this House agrees with the Seventeenth Report of the Business Advisory Committee presented to the House on the 11th February, 1958."

Mr. Speaker: Motion moved:

> "That this House agrees with the Seventeenth Report of the Business Advisory Committee presented to the House on the 11th February, 1958."

Shrimati Renu Chakravartty (Basirhat): I would like to know what happened to the motion regarding the decisions of the Darjeeling Rehabilitation Ministers' Conference that has just been put off. It came on the agenda papers, but it has disappeared. Since I could not attend the Business Advisory Committee meeting, I would like to know what has happened to it.

Shri Satya Narayan Sinha: It was placed on the agenda provisionally. Both yourself and the House are aware that it has been the convention of the House that matters like those contained in this motion are not allowed generally to be discussed on the eve of the President's Address or the general discussion of the budget. We have always thought that such matters could always be discussed during that period. Therefore, this matter was discussed in the Business Advisory Committee and the Business Advisory Committee also came to the conclusion that hon. Members would get ample opportunity to discuss that matter in the debate on the President's Address or during the general discussion of the budget coming very soon or during the discussion of the demands of the Ministry concerned. In view of all these things, we are not proposing to bring it before the House.

Shrimati Renu Chakravartty: May I remind the House of an assurance given in the Business Advisory Committee last time? A request was made to Members not to press this, so that it can be put on the agenda paper early this session. At that time it was clearly known that the next session would be the budget session. After that only we agreed that we would not press for it last session. So, I do not quite understand how this is now being brought forward as an excuse for shutting it out from the agenda.

Shri H. N. Mukerjee (Calcutta-Central): Actually I found from the papers circulated that this particular motion was put down for Wednesday and then it was withdrawn. In the revised list of business, it was no longer there.

Shri Satya Narayan Sinha: I have explained why it has been taken out. There was a discussion in the Business Advisory Committee and we also thought that in view of the convention of the House that such matters are not allowed to be discussed on the eve of the debate on the President's Address.....

Shrimati Renu Chakravartty: When did this convention come about? I have not known it.

Shri Satya Narayan Sinha: You are also aware, because you have been associated with this House since 1934, that this has been the practice. In those days the President's Address was not there, but the general discussion of the budget was there. Now you have got not only the President's Address, but the general discussion coming up very soon within two or three weeks and the hon. Member will get ample opportunity to say whatever he wants to say on these matters.

Mr. Speaker: I will only cut this short by saying that no final decision has been taken on that yet. Otherwise it would have found a place in the minutes. There is sufficient opportunity for discussing this matter. We will then consider if sufficient opportunity has been given. If not, we shall bring it up in this session later. Therefore, it is only a question of putting it off for some time and not putting it off permanently.

Shrimati Renu Chakravartty: Am I to take it that it is not going to be put in the early part of the session and that it will meet the normal fate it does at the end of the session?

Mr. Speaker: The hon. Member is entitled to draw any inference. It was said that there would be a general discussion when it can be raised and so on. There is no meaning in asking whether it will be endless and and so on. We are having the debate on the President's Address; let us see. If there is no opportunity to discuss it then we shall try to provide for it. I will call a meeting of the Business Advisory Committee where we will take it up. The hon. lady Member will kindly try to be present.

The question is:

> "That this House agrees with the Seventeenth Report of the Business Advisory Committee presented to the House on the 11th February, 1958."

The motion was adopted.

CRIMINAL LAW AMENDMENT BILL

Mr. Speaker: The House will now resume further discussion on the Criminal Law Amendment Bill. Out of 4 hours allotted for the various stages of the Bill, 36 Minutes have already been taken on the general discussion and 3 hours and 24 minutes now remain.

Shri Ajit Singh Sarhadi may continue his speech.

Shri Raghubir Sahai (Budaun): On a point of order. I would like to know how much time will be allowed for the general discussion and how much for the clause-by-clause consideration, etc

Mr. Speaker: There is no point of order, but still let us consider. How many amendments are there? I think 22. I think one hour will be necessary for that. Therefore, general discussion will conclude after 2½ hours and then one hour in the end will be reserved both for the clause-by-clause consideration and the third reading.

Shri Ajit Singh Sarhadi (Ludhiana): I was submitting yesterday that the Criminal Law Amendment Bill now before the House deals with that aspect of corruption which can be met by legislation and that aspect comprises of obtaining illegal gratification, monetary advantages or other advantages by misuse of power and criminal misconduct and offences of that kind.

The other kind of corruption to which attention has been drawn by some hon. Members is favouritism and nepotism. But these cannot unfortunately be met by legislation. They can only be eliminated or lessened by the creation of public opinion and pressure. The present amendment that is before the House has got a very important salutary effect, and I congratulate the Minister for having brought it forward which prescribes a minimum punishment in case of proved guilt of corruption.

[Shri Ajit Singh Sarhadi]

I also concede, as I was submitting yesterday, that the ambit of the definition of the term 'public servant' in section 21 of the IPC must be broadened, and clause 12 as an addition to the present eleven clauses of section 21 would meet the situation. But there is one thing to which I would like to draw the attention of the Minister. The proposed clause 12 which increases the category of public servants in section 21 of the IPC runs thus:

> "Every officer in the service or pay of a local authority or of a trading corporation established by a Central, Provincial or State Act or of a Government company as defined in section 617 of the Companies Act, 1956".

That means that every officer coming within the scope of the above clause shall henceforward be a public servant. Now, section 21 of the IPC lays down eleven categories of public servants, and those categories comprise of both officers as well as persons. The present section 21 definitely deals with an officer and in describing the office of a public servant, defines and lays down his duties, before he becomes a public servant. That is to say, there is a distinction which already exists between an officer as a public servant and a person. The proposed clause 12 which is before the House does not define 'officer' at all. What it lays down is that every officer in the service or pay of a local authority or of a trading corporation established by a Central, Provincial or State Act or of a Government company as defined in section 617 of the Companies Act, 1956 would be a public servant hereafter. But section 21 distinguishes between an officer as a public servant and a person. Therefore, I would submit that this clause is bound to create confusion what categories of servants in the service or pay of a local authority would constitute public servants. If it would be only officers, then in the absence of a definition of what an officer is, it would be very difficult for the courts to come to a conclusion as to who an officer is and who not.

Therefore, I would submit for the consideration of the Minister that if he substitutes the word 'officer' here by the word 'person', that would clarify the position. In that case, every employee of a local authority or of a trading corporation established by a Central, Provincial or State Act or of a Government company as defined in section 617 of the Companies Act shall be a public servant. An amendment has already been tabled in this respect by Pandit Thakur Das Bhargava. The position will be clarified only if the word 'officer' is substituted by the word 'person'. Otherwise, there is the possibility of confusion being created as to what categories of employees of a local authority or trading corporation or Government company would be public servants.

My next point is in regard to the proposed clause 8 in the Prevention of Corruption Act, wherein it is proposed to give immunity to the bribegiver in regard to any statement that he likes. As I stated at the outset, the offence of bribe-giving and corruption of that kind are certainly very heinous and must be deterrently punished, and no mercy should be shown where such offences are proved. Therefore, I welcome the provision that the individual who is proved guilty must be punished with imprisonment, and the proposed amendment rightly prescribes the minimum But, at the same time, the law must protect the innocent persons, and not only protect them as such, but protect them against harassment. We have got to see whether the proposed amendment which gives absolute immunity to the bribegiver for any statement that he makes before a court of law would not lead to some harassment of the public servants, and whether the present law would not meet with the situation.

We have already got sections 337 and 338 in the Criminal Procedure

Code which give powers to the district magistrates and also the other magistrates to give pardon to accomplices who associate in crimes to make a clean breast of certain facts. Of course, as long as the accomplice or associate in a crime makes a clean breast of the entire facts and completes his contract for getting the pardon, he is absolved and freed. But if he does not lay down the correct facts, then his statements can also be used against him. This is with a view to stopping harassment of individuals. The person who makes the statement, himself being an associate in crime or an accomplice must appreciate his responsibility. If he makes a statement of that kind which implicates others then he has also got a responsibility.

In dealing with the present measure, if we permit the person to make any statement he likes, and he is exempt from the consequences, then there is every possibility that there would be no limit to the making of irresponsible statements against public servants. Every public servant, however innocent he may be, . . .

Shri Kasliwal (Kotah): It will have to be corroborated.

Shri Ajit Singh Sarhadi: . . . and however responsible he may be, will be running the risk. I concede, as Shri Kasliwal has pointed out, that the statement of the accomplice must be duly corroborated, and there will be no conviction without a corroboration. That is correct, and that is the position under the law. But he should appreciate at the same time that the individual would be acquitted in the end but the harassment would be there. Again, what about the irresponsible statements which you allow the bribe-giver to make? You give him a licence to make a statement, an irresponsible statement, without prescribing any punishment that if there is an acquittal he will be hauled up, because under this provision he himself gets absolved. Therefore, my respectful submission to the Minister is that he should consider this aspect of the case.

The hon. Minister in his speech while introducing the Bill said that this deals with decoy witnesses, persons who help in the detection of corruption by a trap. I respectfully submit that I disagree with him. Decoy witnesses help in the detection of corruption, but they do not come under the definition of bribe-givers because there is no intention to give bribes in the sense that the clause postulates.

Therefore, while I welcome the measure otherwise—and I congratulate the Minister on bringing forward such a salutary measure whereby he prescribes a minimum punishment to the guilty person—at the same time, I would draw his attention to the fact that this clause whereby he gives absolute immunity to the alleged bribe-giver in saying what he likes without endangering himself, is naturally one which needs reconsideration. If he makes a statement against a responsible public servant after trying to give him a bribe, he is exempt because this clause would exempt him from any consequences. Under Defamation Prosecution, possibly he will not be hauled up either. Possibly the court may not hold it as a malicious prosecution. Therefore, this portion of the proposed amendment needs reconsideration.

With these remarks, I heartily support the Bill which is before the House.

Shri Mohamed Imam (Chitaldrug): Yesterday, I heard with great interest the interesting speech made by the Minister while introducing the Bill. It was a speech, if I may say so, full of pathos and emotion. Of course, I do appreciate his anxiety to eradicate this evil which has become a big menace. He hopes to do it by enacting the present measure.

This is not the first enactment that has been passed to combat the evil of

[Shri Mohamed Imam]

corruption. There is always that provision in the Penal Code intended to prosecute offenders. Then it is followed by a series of legislative measures, including the Prevention of Corruption Act. Again, the Home Ministry has built up a big division called the Administrative Vigilance Division at an enormous cost with hundreds and hundreds of officers—I think the present number is about 450—who are expected to combat this evil by punitive and preventive methods

In spite of all these measures taken so far by Government, we must admit that this evil is not mitigated. The menace is still there. On the other hand, it must be admitted that this evil of corruption is growing by heaps and bounds. Not only that, it is spreading upwards. There are unmistakable signs that the evil of corruption is not merely confined to the lower or subordinate ranks but it has a tendency to spread upwards so much so that even highly placed officers in responsible positions are also party to many grave irregularities under very suspecious circumstances.

So we must admit that this evil of corruption has grown and it has become a big menace, after we attained independence, after the rule of democracy was ushered in. It has spread throughout the country. I must say corruption has spread not merely among officials, but there is demoralisation among the public also. If we compare the conditions that existed before independence, we will find what a sorry contrast the present represents. It is true that now we have independence, but there was greater integrity, greater honesty and greater discipline before democratic rule was ushered in.

I support this Bill. I know the Minister has brought it forward with the best of intentions. But what I want to ask is: under the existing circumstances, is this enough? Is the Minister satisfied that by enacting this measure, he will combat the evil of corruption effectively? Will it have the desired effect?

I am not very much concerned about the corruption prevailing among the subordinate staff, among the low-paid officials. I know it is not of much consequence so far as society is concerned. After all, they do it for the sake of their tummy. But what worries me most is that even highly placed officers, people holding responsible positions, are committing very grave and serious irregularities involving lakhs and crores. We have heard of scandals of such magnitude as the jeep scandal, the scandal of the prefabricated houses or of the Sindri fertiliser factory All these grave irregularities boarding on corruption have been committed on account of the negligence or connivance of the officers holding very high and responsible positions

The Bill contemplates a minimum deterrent punishment for the offence, for the offender. Secondly, the Minister wants to bring it within the purview of the employees of local governments and other statutory institutions. Again, he wants to give protection to the person who comes out with truth to help justice. This may be a laudable measure, but I am confident that this will be another enactment which will be in the Statute-book; it will not have much effect in eradicating this evil.

This menace has reached such dangerous proportions that, I think, a complete diagnosis of this disease is called for. The time has come when we must review all the past events that have led up to the increase of this evil. This is not a party matter. We are all one with the Minister that this evil should be eradicated or its effect at least minimised for the good of the society. Irrespective of party considerations, all of us must do our ut-

most to rescue the country from the dangers, privations and misfortunes of this evil.

I pointed out that since people's rule was introduced, this evil became more rampant and more acute. You must find out the reasons. After the democratic rule was ushered in, there were greater opportunities created for making money by unscrupulous persons. A fertile ground was created when controls were introduced and when rationing was introduced and also when the State undertook trading, especially in foodgrains. All these things created a good opportunity for unscrupulous people both in service and outside to make money by taking unfair advantage of the occasion. All of us know how during the controls not merely the merchants but officers took advantage of it and scandals after scandals were heard of. It was at that time that corruption spread throughout the country. Many opportunities were created.

Lately, Government have been handling works of a big magnitude involving crores of rupees. We have undertaken many such works. All these were taken advantage of. Government had to place orders for materials worth crores and crores. We have seen how in many cases people who were entrusted with responsible jobs misused the occasion and made use of it for their own personal ends.

The Governmental policy is to some extent responsible. For instance, I may mention one instance: Prohibition. Prohibition and controls were introduced with the best of object. They were intended to help the public. But they can work well only when the nation is disciplined and respects the law and abides by it. Otherwise, controls will not work well and it will be to our disadvantage. Similarly, prohibition might have been introduced with the best of intentions. But it has become the means of making money by all those people who are entrusted with the work of enforcing Prohibition. It is an open secret that people who are in charge of mitigating the drink evil are conniving with the manufacturers of illicit liquor. You can make enquiries. Prohibition has proved a fertile ground for people to get monthly *mamools* or payments. It is such policy adopted by the Government that give opportunities for people to earn money by illegal means.

There is also the inefficiency of the Government, lack of vigilance and supervision and reluctance to take timely action. They encourage corruption. It is a well-known fact that under the present administration, the Minister has no control over the Secretary, or the Secretary has no control on his subordinates. Each is a boss unto himself. We have learnt during the recent enquiry how each officer wants to shirk responsibility. The head of the administration must be responsible for the proper working of the entire department but that is not the case. It looks as if there is no supervision or no vigilance. That was not the case before Independence. The head of the institution or the department or Ministry was held responsible for the proper administration of his department. Nobody was allowed to say that he was not responsible for any act of commission or ommission under his supervision.

Many cases of grave irregularities are brought to the notice of the Government. What is the action taken by the Government? Till now we have had many transactions which involved big scandals but what action has been taken by the Government against these persons responsible for the loss? What was the action taken against persons responsible for the losses in regard to the purchase of jeep? Who was responsible for the losses in the Sindri? There was also a committee's report on the losses in the building of the Mahanadhi bridge. It was reported that there were losses to the extent of millions of rupees and there was a recommendation to the effect that action should be taken against officers responsible for all these losses.

[Shri Mohamed Imam]

A number of cases had been reported by the Audit and Accounts. I am quite certain that the officers who are entrusted with the responsibility of enforcing discipline refuse or they take their own time. Instances were brought to the notice of the higher officers. Years are lost in investigating and by the time the Government takes action, the officer concerned will have retired either from this world or from service. It is lethargic and inefficient—the machinery. The officers are encouraged to indulge in corruption. I think I must charge the Government to be directly responsible for the increase in correction. It is not merely the officers that are responsible for the increase in corruption. I must find fault with the public also.

The public organisations that are entrusted with this work must also realise their responsibility. The first organisation in the State, the Ruling Party must set an example of purity and honesty. The Ruling Party or the organisation accepts what it calls a donation of Rs. 20 lakhs from private companies and firms and merchants on the plea that it is needed for the Congress organisation. What shall we call it? They may call it a donation. It was revealed that Tatas gave Rs. 20 lakhs to the Congress organisation for the election.

Shri Tyagi (Dehra Dun): On a point of order, is the matter of an organisation to be discussed in this House? It is a matter pertaining to a political party?

An Hon. Member: It is a fact. (*Interruptions.*)

Shri Tyagi: How can a Party be discussed in this House?

Shri Mohamed Imam: It is the Ruling Party.

Shri Tyagi: Ministers, I can understand.

Mr. Speaker: This amendment relates to persons employed in the corporations, autonomous corporations etc. which we have set up and also other public servants. I do not find how it is relevant to bring in the others. Under an exemption clause in the Income-tax Act, a company subscribes to one or other party. An hon. Member refers to this. Then, possibly other hon. Members may refer to some other. Whoever contested the election spent some money. It may be the party or the hon. Member himself. If one hon. Member refers to this and says so; some other hon. member says that it came from some other source. Are we to go into all those matters here, true or otherwise—may be true, may not be true? Therefore, let us confine ourselves to the subject under discussion. I can understand the hon. Member saying that responsible Ministers ought not do a particular thing. He has got plenty of argument; he can argue very well without bringing all these things. It is clear that every party has spent money wherefrom it got its money is the question. We need not go into all these issues. The other person also will say something embarassing. I am not going to allow this kind of thing on the floor of the House, because our time is precious

13 hrs.

Shri Mohamed Imam: I am only saying that bribery is of two kinds: illegal gratification and legalised bribery. Such legalised briberies should not be allowed.

Mr. Speaker: That is beyond the scope of discussion. The hon. Member will proceed to some other point.

Shri Mohamed Imam: So the purity of the administration must be maintained; the purity of the moral atmosphere in the public much be maintained. The Government must be vigilant. Otherwise, they will never be able to eradicate this evil. Such measures will only find a safe place

in statute-book and they will be put in cold storage. If the present state of affairs continues and the Ministers and officers do not exercise proper vigilance and allow the officers to have their own way, I am sure this evil will assume such dangerous proportions and the very foundations of society will be disrupted and the entire nation and the entire people will be under a misfortune which they never expected.

पंडित ठाकुर दास भार्गव (हिसार) : जनाब स्पीकर साहब, इस बिल पर बहस करते हुए मैं बहुत ज्यादा दूर तक नहीं जाना चाहता क्योंकि इस हाउस में बहुत बार इस अमर पर बहस हो चुकी है कि कोरप्शन को किस तरह से रोका जाए । पब्लिक सर्वेंटस की कोरप्शन और बाहर वालों की कोरप्शन यानी नान-आफिशल्स की कोरप्शन में बड़ा फर्क है । हमारे सामने इस वक्त जो बिल है यह केवल पब्लिक सर्वेंटस के बारे में है और इसी पर मैं अपने विचार यहां पर रखूंगा ।

पहला सवाल जो इस बिल के अन्दर आता है वह कुछ बाहर वालों का आता है । कुछ आर्गेनाइजेशंस थीं जिनमें काम करने वाले इसकी जद में नहीं आते थे । आनरेबल मिनिस्टर साहब ने एक तरमीम पेश करके यह चाहा है कि ऐसे अशखास जो फिलवाका अब पब्लिक सर्वेंटस की तारीफ में आने चाहियें थे, उनको भी अब इसके अन्दर लाया जाए । जहां तक इस अमर का ताल्लुक है, मैं उनकी दाद देता हूं और जो कुछ उन्होंने किया है ठीक किया है । ऐसे लोग इस किस्म के बिल की जद में आने ही चाहियें थे । लेकिन इस बिल के अन्दर जो अलफाज इस्तेमाल किए गए हैं उनके बारे में मुझे डर है कि जो हमारे मिनिस्टर साहब का मंशा है वह शायद पूरा नहीं हो सकेगा । उन्होंने चाहा है कि

"Every officer in the service or pay of a local authority or of a trading corporation established by a Central, Provincial or State Act or of a Government company as defined in section 617 of the Companies Act, 1956."

लेकिन आफिसर की तारीफ इसमें नहीं दी गई है । मालूम ऐसा होता है कि आनरेबल मिनिस्टर साहब की तवज्जह दफा २१ आफ दी पीनल कोड की तरफ थी लेकिन उसकी तरफ वह पूरी तरह से गई नहीं है । आप देखेंगे कि इस इंडियन पीनल कोड में जहां दफा २१ दर्ज है वहां पर या तो आफिसर्स का जिक्र है या परसंस का जिक्र है । जहां पर आफिसर्स का जिक्र है वहां पर दफा २१ में उनकी ड्यूटीस भी साथ ही दे दी गई हैं कि जो आफिसर इस तरह के काम करेगा, वह पब्लिक सर्वेंट बनेगा । लेकिन यहां पर जो अलफाज इस्तेमाल किए गए हैं, इनमें आफिसर तो लिखा है लेकिन उसकी ड्यटी या ड्यूटीज दर्ज नहीं की गई हैं । अगर ड्यूटी दर्ज होती तो वह परसन आफिसर की तारीफ में आ सकता था और यह मालूम करने में कोई दिक्कत नहीं हो सकती थी । अब इस सैक्शन को लेते हुए मुझे डर है कि जब तक आफिसर की तारीफ न हो या उस काम की तारीफ न हो जो वह करता है हम किसी शख्स को पब्लिक आफिसर साबित नहीं कर सकेंगे सिवाय हाइएस्ट आफिसर के, हालांकि आनरेबल मिनिस्टर साहब की मंशा यह है कि जो शख्स भी इस काबिल हो कि ऐसा काम कर सके, जो रिश्वत ले सके, वह इसमें शामिल होना चाहिए । लेकिन यह पूरी नहीं होती है । इसलिए मैं चाहता हूं कि या तो आफिसर की तारीफ कर दी जाए या परसन लेकर उसकी ड्यूटीस लिख दें । इसके बिना यह जो एक्स-प्रेशन है यह वेग सा ही बना रहेगा । इसी तरह से इसको अगर रहने दिया गया तो आप को उसके खिलाफ जिसके खिलाफ कि आप मुकदमा चलाना चाहेंगे सबूत पेश करने में बहुत दिक्कत होगी । बिना डिफाइन किए इस कानून को लागू करने में बहुत दिक्कत का सामना करना पड़ेगा ।

[पंडित ठाकुर दास भार्गव]

इसके अलावा दो और एमेंडमेंटस इसमें करनी चाहियें। मैं समझता हूं कि मिनिस्टर साहब को वे कबूल होंगी। अब तक जो कानून है उसमें सात साल की सजा रखी हुई है क्रिमिनल मिसकंडक्ट के लिए। किसी छोटी सी बात के लिए इतनी सजा देना मुश्किल हो जाता है। जो रिश्वत लेता है उसको अदालतें आम तौर पर इस कद्र सख्त सजायें नहीं देती हैं या काफी नहीं देती हैं। जो हाइएस्ट पनिशमेंट इंडियन पीनल कोड में या और जगहों में रखी गई हैं वे बहुत कम लोगों को दी जाती है। आम तौर पर जैसा कि मिनिस्टर साहब ने खुद फरमाया एडमोनिशन के साथ ही छोड़ दिया जाता है। इसका कारण यह है कि हर कोई यह जानता है कि यह फलां आफिस में इतना बड़ा अफसर है, इतने बड़े अख्तयारात बरतता है अब अगर इसको कनविक्ट कर दिया जाता है तो इसकी नौकरी जाती रहेगी, अगर रिटायर होने को है, तो इसकी पैंशन जाती रहेगी और साथ ही उसके साथ जो सख्तियां होंगी, उनको भी हर एक अदालत अपने सामने रखती है। इस तरह से आम तौर पर सजायें कम दी जाती हैं। लेकिन अब जब हम तरमीम करने जा रहे हैं तो यह मुनासिब ही है कि ऐसे केसिस में कम से कम एक साल की सजा होनी चाहिये। सात साल तक की सजा दी जा सकती है लेकिन एक साल से कम नहीं दी जानी चाहिये। मैं इस चीज को बेलकम करता हूं और मैं चाहता हूं कि जो सजा एडमिनिस्टर करते हैं ऐसे केसिस में वह एक साल से कम नहीं होनी चाहिए। इसके साथ ही स्पेशल सरकमस्टांसिस की क्लास भी है। मैं जानता हूं कि कितने ही ऐसे सरकमस्टांसिस होते हैं कि जिनमें अदालतों को ह्यूमेन व्यू लेना पड़ता है और ह्यूमन एसपेक्ट को मद्देनजर रखना पड़ता है। अगर वे इस चीज को मद्देनजर न रखें तो किन्हीं केसिस में एक साल से अधिक सजा हो सकती है और किन्हीं में बहुत सख्त हो सकती है। ऐसे केसिस में कोर्ट को अख्तियार दिया गया है कि एक साल की सजा न दे या कुछ भी सजा न दे। यह मुनासिब है कि ऐसा हो क्योंकि जो इंडिकेशन है वह साफ है कि आम तौर पर एक साल से कम सजा नहीं होनी चाहिये। मैं दीगर अमेंडमेंट्स में तो नहीं पड़ना चाहता लेकिन बहुत अदब से आनरेबल मिनिस्टर की तवज्जह उस तरफ दिलाऊंगा जहां पर कि कहा गया है कि मेहरबानी करके इसको प्रोबेशन एक्ट से मुसतसना कर दें। मैं यह महसूस करता हूं कि प्रोबेशन एक्ट जो हमने बनाया है वह निहायत अच्छी चीज है। लेकिन साहब चन्द एक जरायम ऐसे होते हैं जिनको कि उसकी जद से बाहर रहना चाहिये। कोर्ट को जहां यह कहा गया है कि एक साल से कम सजा न दे वहां यह भी होना चाहिये कि ऐसे केसिस में कोर्ट प्रोबेशन पर उसको न छोड़ दे। या महज एडमानिशन करके न छोड़ दें। इस वास्ते मैं चाहूंगा कि गवर्नमेंट यहां नहीं तो किसी दूसरी जगह इसको प्रोबेशन से भी बाहर कर दे।

अपनी तीसरी तरमीम के बारे में मैं यह कहना चाहूंगा कि मैं यह डाउट नहीं करता कि यह वैलकंसीव्ड नहीं है। लेकिन इसके चन्द एक पहलू हैं जिनके ऊपर मुझे एतराज है। वह तरमीम इस तरह से है कि अगर सेंटेंस या पनिशमेंट दी जावे, तो कोर्ट को इस बात का लिहाज रखना होगा कि कितना रुपया रिश्वत में लिया गया, कितने रुपये के बारे में ब्रीच आफ ट्रस्ट है, कितना नुकसान उस शख्स ने रिश्वत लेकर पहुंचाया है। इन सब चीजों का जुर्माने के वक्त अगर ख्याल रखा जायेगा तो जुर्माना उसी लिहाज से लिया जायेगा। जहां तक सजा का ताल्लुक है वह अलग है।

जुर्माने के सवाल को आनरेबल मिनिस्टर साहब ने दो क्लिन्जों में तकसीम किया है। २(ए) में उन्होंने लिखा है :—

In fixing the amount of fine, the Court shall take into consideration the

amount or value of the bribery which the accused person has obtained by committing the offence of criminal misconduct.

दूसरे में यह कहा गया है कि अगर किसी शख्स को प्रिजम्पशन की वजह से सज़ा हो तो अन एकाउंटिड फार जितना रुपया है, उसका लिहाज़ रखा जाये । मैं पूछना यह चाहता हूं कि तीसरी चीज़ के बारे में ख्याल करना वह क्यों भूल गये हैं । जरायम सिर्फ इस तरह से नहीं होता है कि एक आदमी ने कुछ रुपया ले लिया और इसी बात पर उसको सज़ा हो गई और न सिर्फ़ इस वजह से आम तौर पर होता है कि उसके पास इतना रुपया है जिसको एकाउंट फार नहीं कर सका है । एक तीसरी चीज़ भी बनती है और वह इन दोनों के ज्वायंट एक्शन से बनती है, इन दोनों चीज़ों को मिला कर कोर्ट इस नतीजे पर पहुंचती है कि जुर्म किया गया है और उसके वास्ते आपने कौनसा प्रोविज़न रखा है ? आपने कोई प्राविज़न नहीं रखा है । आपको चाहिये था कि कोई तीसरी प्राविजन भी तीसरी हालत के लिये रखते । मुझे एतराज़ इस पर है कि यह जो दफ़ा २(ए) में जो दो अलग अलग कमपार्टमेंट्स कर दिये गये हैं यह जायज़ नहीं है । आम तौर पर सज़ा होती है दोनों पहलुओं को देख कर । अगर दोनों को देख कर सज़ा होनी है तो कौन सी चीज़ मैजिस्ट्रेट अपने नुक्तेनज़र में रखेगा । इस वास्ते मेरी गुज़ारिश है कि उसके वास्ते भी कोई प्राविज़न होनी चाहिये थी जो इस वक्त इसमें नहीं है ।

जब हमने प्रिवेंशन आफ कोरप्शन एक्ट बनाया था उस वक्त आनरेबल मिनिस्टर साहब गालिबन इस हाउस में नहीं थे । उस वक्त सरदार पटेल ने हमारे सामने जिन चीज़ों को रखा था और जो हालात हमारे सामने पेश किये थे उसकी बेसिस पर हमने १९४७ में एक एमरजेंसी ला बनाया था । एमरजेंसी क्या थी ? उस वक्त सरदार पटेल ने फिगर्स दी थीं और कहा था कि ५ करोड़ ६५ लाख की रिश्वत के मामलों की उस वक्त पुलिस तहकीकात कर रही थी उस समय जब कि रिश्वत का बाजार खूब गरम था । बड़े-बड़े अंग्रेज अफसर जो कि अपनी आनेस्टी के लिये मशहूर थे सब के सब उसमें बह गये । हिन्दुस्तान में इस कद्र रिश्वतखोरी हुई कि उसकी मिसाल मिलनी मुश्किल है । ११०० केसिस ब्राइबरी के उस वक्त मौजूद थे । एक एमरजेंसी ला बनाया गया, और उसके अन्दर हमने जो उन खास हालात में थोड़े ही अर्से के वास्ते एक टेम्पोरेरी लॉ बनाया । गालिबन् तीन वर्ष उसकी मियाद रक्खी गई थी । उस वक्त जो एमरजेंसी लॉ बना था उसमें एमरजेंसी लाज़ में जो आम-तौर पर खराबियां होती हैं वह सब इसमें भी मौजूद थीं । मुझे याद है कि इस क़ानून का वह प्रिंसिपल सैक्शन जिसकी तारीफ़ क्रिमिन्ल मिसकंडक्ट के अल्फ़ाज़ से की गई है, उस मेन दफ़ा ५ के लिये मैं खुद ज़िम्मेदार हूं । मैंने खुद इसके लिये अमेण्डमेंट दिया था । लेकिन मैं आज यह अर्ज़ करने के लिये तैयार हूं कि इसके अन्दर कुछ हमने गलती की । मैंने गलती की क्योंकि मेरा अमेंडमेंट था और उस अमेंडमेंट की ग़लती मैंने महसूस की और मैंने ही नहीं हाईकोर्ट ने भी उस ग़लती को महसूस किया और आज अगर हम उसके अल्फ़ाज़ को देखें तो मुझे उम्मीद है कि आनरेबुल मिनिस्टर भी मेरी उस गलती को महसूस करेंगे और उसको तरमीम करने को तैयार होंगे । मैं उनकी तवज्जह दफा ५ डी की तरफ दिलाता हूं । वह इस तरीके से है :

5(1) (d) "A public servant is said to commit an offence of criminal misconduct in the discharge of his duty if he, by corrupt or illegal means or by otherwise abusing his position as a public servant, obtains for himself or

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for any other person any valuable thing or pecuniary advantage."

दफ़ा ५ में ए, बी, सी, और डी० के अन्दर हमने लिखा है कि किन किन हालातों में एक पब्लिक सर्वेंट क्रिमिनल मिसकंडक्ट के लिये दोषी ठहराया जायगा । आज मैं यह महसूस करता हूं कि एक इन्नोसेंट अफ़सर जिसने कोई करप्शन नहीं किया वह भी इस (डी)की जद में आ सकता है । मसलन और चीजों को जाने दीजिये । मैं आपके रूबरू दो मिसालें देता हूं । हमारे सामने आजकल मूंदड़ा शेयर्स की बहुत चर्चा है । वह अशखास जिन्होंने मूंदड़ा के शेयर्स खरीदे या खरीदने का हुक्म दिया, मान लीजिये कि उन्होंने कोई पिक्युनियरी एडवांटेज नहीं लिया, ब्राइबरी नही हुई लेकिन हो सकता है कि सिर्फ़ एक गलतफ़हमी की वजह से, ग़लत वजूहात की वजह से एक शख्स ने हुक्म दिया कि शेयर्स खरीद लिये जांय, इनवैस्टमेंट कमेटी ने हुक्म नहीं दिया, इल्लोगल तरीके से उन अशखास ने जिनको कि हुक्म देने का अखित्यार नहीं था, ऐसा हुक्म दे दिया, हालांकि उन्होंने या उसने रुपया खाने की नीयत से ऐसा आर्डर नहीं दिया लेकिन यह शख्स या अशखास इस दफ़ा की जद में आजायेंगे और सात साल की सजा हो सकती है क्योंकि अल्फ़ाज यह है :

"....if he by corrupt or illegal means or by abusing his position." Means may be corrupt or may be illegal or both may not be there. But only he might have abused his position for the benefit of himself or for any other person.

इसका फ़ायदा किसे होता है इन शेयर्स के खरीदे जाने का ? मूंदड़ा साहब को या उनकी किसी कम्पनी को । उस अफ़सर ने जिसने कि हुक्म दिया उसको एक कौड़ी नहीं मिली लेकिन चूंकि उसने अपनी पोजीशन ऐब्यूज की उसका ऐरर आफ़ जजमेंट था इसलिये वह ख़तावार ठहराया जायगा । मिसाल के तौर पर मैं आपको बतलाऊं कि टेंडर्स आते हैं । आमतौर पर उनके लिये क़ायदा यह है कि लोएस्ट आफ़र को मंजूर कर लिया जाता है लेकिन अफ़सरान को यह हक़ है कि वह अगर यह समझते हैं कि लोएस्ट टेंडर वाला अपने ठेके को पूरा नही कर पायेगा तो वह उसका टेंडर मंजूर न करें ।

Abusing his position only means not properly using his position. Abusing his position does not mean anything else.

वह अफ़सर एक कौड़ी भी नही लेता, बिलकुल करप्ट नही है, ईमानदार है, नेकनीयती के साथ उस टेंडर को मंजूर नहीं करता

but he has certainly abused his position: for himself or for any other person,—

अगर एनी अदर परसन लिखा होता तो उसको कुछ सजा नहीं होती लेकिन फौर एनी अदर परसन, जैसे मूंदड़ा को फायदा हुआ, जो टेंडर करता है उसको फायदा हो जाय, अफ़सर को कोई फायदा नही, ऐसी सूरत में एक इन्नोसेंट अफ़सर इस क़ानून की जद में आ सकता है और उसको सात साल की सजा दी जा सकती है ।

मैं आनरेबुल मिनिस्टर की खिदमत में एक हाई कोर्ट की रूलिंग भी पेश करूंगा जिसके कि अन्दर एक अफ़सर ने नेकनीयती के साथ आर्डर दे दिया, उसको एरर आफ़ जजमेंट क़रार दे दिया । फायदा किसी ऐसे शख्स को हुआ जिसमें कि अफ़सर इंटरेस्टेड नहीं था लेकिन ताहम उसको सजा हो गई । एक बड़े अफ़सर को सजा हो गई । क्रिमिनल रिवीजन में गया । हाईकोर्ट ने यह कहा :

Held that in order to prove that the person is guilty of criminal misconduct, it must be shown that he as a

public servant took undue advantage of his official position, profit or something for gain in a corrupt or illegal manner for himself or for some other person ..." Other person refers to a person other than the one in whose favour the order is passed.

मैं उस सारी क्लिंग को पढ़ कर नहीं सुनाना चाहता हूं । उसका मुलाहिजा करने से पूरा पता लग जायगा । वह राम सिंह वर्सेस दी स्टेट आफ पेप्सू का केस है । यह करार दिया गया कि यह साबित करने के लिये कि वह शख्स क्रिमिनल मिसकंडक्ट का गिल्टी है, यह साबित करना होगा कि उस पब्लिक सर्वेंट ने अपनी आफिशियल पोजीशन का अनड्यु ऐडवांटेज लिया या एक करप्ट और इल्लीगल मैनर में अपने लिये या किसी दूसरे शख्स के लिये प्राफिट लिया । इसलिये मैं चाहता हूं कि दफा ५ डी ने यह वर्ड्स जिनमे मैंस री *Mens re* मौजूद है, Dishonestly or fraudulently जोड़ दिये जायें ताकि किसी ईमानदार आदमी को सिर्फ एरर आफ जजमेंट के लिये सजा न हो जाय । इस मौजूदा अमेंडिंग बिल के अन्दर यह नुक्स मौजूद है और इससे ऐसा अफसर सजा पा सकता है जो कि वाकई बिलकुल बेगुनाह हो और इसलिये मैं आपसे अर्ज करना चाहता हू कि आप इसको तरमीम कर ले । या फोर एन अदर परसन के बाद in whom he is interested जोड़ दिये जायें ।

दूसरी चीज जो इससे कम अहम नही है वह क्लाज ३ है और उसकी तरफ भी मैं हाउस की तवज्जह दिलाना चाहता हू । मैं जानता हूं कि जो मैं क्रियाटिसिज्म इसके मुतल्लिक करूंगा वह शायद आनरेबुल मिनिस्टर और कुछ मेम्बरान साहब को पसन्द न हो लेकिन मैं समझता हूं कि अगर मैं उसको क्रिटिसाइज न करूं तो मैं अपने फर्ज को ठीक से अदा नहीं करूंगा । वह इस तरह से है :

"Notwithstanding anything contrary to an offence punishable under section 2, the fact that the accused person or any other person in his behalf is in possession of something for which the accused person cannot account for properly by the pecuniary resources and by the known sources of income and on which proof the court shall presume that unless the contrary is proved the accused person is guilty of criminal misconduct in the discharge of his official duty, the conviction therefore shall not be invalid by reason only that it is based solely on such presumption"

इसका सीधा मतलब यह हुआ कि मान लीजिये मैं कोई जुर्म करू और वह छिपा रहे, मैं उस रुपये को इस तरीके से इस्तेमाल करूं कि अदालत को पता न लग सके तो मैं बिलकुल सेफ हूं लेकिन अगर मेरे पास इतनी जायदाद मौजूद हो कि जिसके लिये मैं एकाउंट फोर नही कर सका तो सिर्फ यह चीज कि मेरे पास इतनी जायदाद है, यह काफी है कि मुझे को मुजरिम करार दिया जाय । मैंने इस मारे इंडियन एविडेंस ऐक्ट में इस किस्म का कोई वाएलेंट प्रीजम्पशन इन हालात मे नही देखा और यह बिलकुल अनजस्ट प्रीजम्पशन है ।

मुझे यह कहना है कि हमने एक एमरजेंसी लॉ बनाया था कि जिस अफसर को जो तनख्वाह मिलती है उससे अगर इतना ज्यादा उसके पास हो जाय तो यह प्रीज्यूम कर लिया जाय कि इसने बेईमानी से रुपया कमाया है, मैं अदब से अर्ज करूंगा कि यह प्रीजम्पशन बहुत वाएलेंट है और बहुत से हालात में सिवाय इसके कि बेइसाफी हो और कुछ नही हो सकता । दिल्ली मे इम्पीरियल होटल मे २५ जनवरी को किसी अफसर को एक शख्स ने एक लाख रुपया दिया ऐसा किसी पर मुकदमा चलाया जाता है, लेकिन साबित यह होता है कि २५ जनवरी

[पंडित ठाकुर दास भार्गव]

को वह शख्स लंदन में बैठा था, दिल्ली में नहीं था और किसी होटल में नहीं था और वे दोनों व्यक्ति मिल ही नहीं सकते, तो भी पुलिस वाले यह कहें कि उसके पास रिश्वत का रुपया है और मजिस्ट्रेट यह कहे कि इस शख्स के पास रुपया ज्यादा है और जिसका कि वह हिसाब नहीं दे सकता तो उसको सजा हो जायगी हालांकि इस्तगासा बिल्कुल झूठा है और उस पर झूठा मुकदमा चलाया गया है । सिर्फ़ इस बिना पर कि उसके पास रुपया ज्यादा है और जिसका कि वह एकाउंट फ़ौर नहीं कर सकता इसलिये उसको सजा दे दी जाय, यह बिल्कुल अन-जस्ट है । कोर्ट यह प्रीज्यूम कर सकती है कि इतना रुपया उसके पास कहां से आगया अगर उसने रिश्वत नही ली । इस तरह का कोर्ट प्रीजम्प्शन निकाल सकता है । लेकिन अगर सारी शहादत डिमांस्ट्रेबली झूठी हो तो भी एक शख्स को इसलिये पकड़ लिया जाये कि उसके पास दौलत है, यह दुरुस्त नहीं है । ऐसे शख्स को सजा देना दुरुस्त नहीं होगा । यह तो वही हुआ जैसी कि हमारे यहां हमेशा मिसाल दी जाती है कि "अंधेर नगरी चौपट राजा, टके सेर भाजी टके सेर खाजा" । मैं जानता हूं और आनरेबिल मिनिस्टर साहब भी जानते होंगे कि बहुत से ऐसे आफ़िसर हैं जो कि अपनी बीवी वगैरह के नाम से स्पेकुलेशन करते हैं और वह रुपया भी कमा लेते हैं । लेकिन अगर उनसे पूछा जाये तो वे कभी नही कहेंगे कि उन्होंने स्पेकुलेशन किया था । ऐसे शख्स भी इसकी जद में आ सकते हैं । इसी तरह से अगर किसी शख्स ने विरसे में हीरे, जवाहरात, या सोने के जेवरात पाये हैं तो उसके लिये भी यह साबित करना गैर-मुमकिन होगा कि वह उसके पास कहां से आया । उसके लिये उसे साबित करना नामुमकिन होगा । मैं चाहता हूं कि पब्लिक सरवेंट की रेपुटेशन हिन्दू विडो की रेपुटेशन की तरह होनी चाहिये । मैं चाहता हूं कि वह संसपीशन से ऊपर हो । लेकिन कई हालातों में वह ऐसी हालत में होगा कि वह इस कानून की जद में पड़ जायेगा । हालांकि वह बेगुनाह होगा । हम सब रिश्वतखोरी के खिलाफ हैं । आपने इसके लिये एक साल की सजा लिखी है । अगर आप इससे भी ज्यादा सजा तजवीज करते तो मैं उसके हक में होता । लेकिन मैं यह नहीं चाहता कि आप किसी बेगुनाह शख्स को ऐसी हालत में रख दें कि उसे सजा पाने का इमकान हो ।

श्री रघुवीर सहाय (बदायूं) : लेकिन एक पब्लिक सरवेंट दूसरा काम कैसे कर सकता है जिससे कि उसे रुपया पैदा हो सके ?

पंडित ठाकुर दास भार्गव : आप उसे डिपार्टमेंटल सजा दीजिये । लेकिन उसको आप किस तरह से इस जुर्म में सजा दे सकते हैं । इसके मुताबिक तो अगर किसी के पास रुपया है और वह उसका हिसाब नही दे सकता तो वह मुजरिम बन जाता है । उसने कोई क्रिमिनल मिसकंडक्ट नहीं किया है । इसका तो मतलब यह है कि एक शख्स ऐसा रुपया अपने पास न रखे जिसका कि वह हिसाब न दे सके ।

हमने इस कानून को एमरजेंसी में बनाया था । उस वक्त ५ करोड़ ६५ लाख की तहकीकात हो रही थी । आज कोई एमरजेंसी नहीं है । आज भी यह कानून लाया गया है यह इम्प्रापर है और इसमें बेगनाह आदमी फंस सकता है । मैं नहीं चाहता कि एक ऐसा आदमी जिसका कि कोई कसूर न हो वह सजा पा जाये । यह मुनासिब नहीं है । अगर आप शहादत से साबित नहीं कर सकते तो क्या वजह है कि आप उसको इस जुर्म में गुनाहगार करार दें । वह आदमी कहां से रुपया ले आया है,

इसकी आप तहकीकात नहीं करते। अगर किसी डकैती का माल, उसके यहां नहीं निकलता तो उस को उस जुर्म के लिये कैसे जिम्मेवार ठहराया जा सकता है।

श्री रघुवीर सहाय : क्या ऐसा कोई केस हुआ है आपके इल्म में ?

पंडित ठाकुर दास भार्गव : एक केस नहीं बल्कि कई केसेज में ऐसे लोगों के साथ बेइन्साफी हुई है। मैं ने एक हाईकोर्ट का जजमेंट पेश किया है। और भी कई हाईकोर्ट के जजेज ने यह रिमार्क किया है कि यह कानून गलत है। यह ला दुरुस्त नहीं है। हमने इसको किसी इमरजेंसी में बनाया था। मैं भी इसको बनाने में पार्टी था। अब मैं अपनी गलती को बतला रहा हूं। मैंने खुद इसमें उस वक्त अमेंडमेंट पेश किया था। लेकिन मैं जान गया हूं कि यह गलती थी। मैं आज उसका ऐतराफ करता हूं। अगर मेरा कहना वाजिब हो तो इसको खत्म कीजिये वरना नहीं।

श्री रघुवीर सहाय आपने यह कहा कि करप्शन कम हो गया है।

पंडित ठाकुर दास भार्गव मैंने यह अर्ज नहीं किया। और मेरे लायक दोस्त मुझे माफ करेंगे। वह अपने खयालात को मुझ से क्यों वाबस्ता करते हैं। मैं तो उनसे भी आगे जाने को तैयार हूं। मेरे दोस्त ने यह तजवीज बतलायी है कि एजूकेशन दी जाये। मैं और तजावीज बतलाऊंगा कि आप करप्शन को किस तरह से खत्म करें। मैं किसी पबलिक सरवेंट के करप्शन को बरदाश्त करने को तैयार नहीं हूं। मैं यह नहीं चाहता कि करप्ट अफसर को सजा न मिले। लेकिन ऐसा जुर्म बना देना कि जिसमें बेगुनाह भी फंस जायें मुनासिब नहीं है। जो कुछ मेरा प्रोपोजल है उसको आप उसके मैरिट पर देखें। मेरी अर्ज यह है कि अब वक्त आ गया है कि इस बेइन्साफी को हटाया जाये।

आपने जो ए० और बी० दफा ५ में रखे हैं वह तो ठीक है। लेकिन सी० और डी० में तो इंडीवीजुअल आफेंसेज है, क्रिमिनल ब्रीच आव ट्रस्ट है। इसके लिये पहले से दफात ४०५ से ४०९ तक मौजूद हैं। सी० और डी० के लिये Presumption की जरूरत नहीं है। इसलिये जो कि आपका प्रावीजन रिश्वत लेने वाले के लिये है वह तो दुरुस्त है। लेकिन सी० और डी० को रखना मनासिब नहीं है। ए० और बी० में तो हैबीचुअल ब्राइबरी का केस होता है। जो आदमी दस बीस दफा रिश्वत ले चुका है उसके लिये वह कानून ठीक है। लेकिन सी० और डी० तो एप्लाई नहीं करता। जो प्रीजम्प्शन है वह इसमें एप्लाई नहीं करता। इसलिये मैं चाहता हूं कि पेरेंट ऐक्ट में से इस चीज को निकालने के लिये गवर्नमेंट जल्द से जल्द एक बिल लाये वरना अगर कोई प्राइवेट मेम्बर इस किस्म का बिल लायेगा तो गवर्नमेंट कहेगी कि हम ऐसा बिल लाने को तैयार है। मैं चाहता हूं कि आप ही ऐसा बिल लायें और आप ही इसको दुरुस्त करें अगर आप मुझ से एग्री करते हों।

इसके आगे जो आदमी रिश्वत देता है उसको आप सजा देना नहीं चाहते। जनाब वाला मैं रिश्वत देने वालों को दो श्रेणियों में रखना चाहता हूं। एक केस तो वह है कि जब अफसर लालच की वजह से किसी आदमी से रिश्वत एक्सटार्ट करे। और वह आदमी इस वजह से रिश्वत देने पर मजबूर हो कि अगर वह नहीं देगा तो उसके साथ बेइन्साफी होगी। दूसरा क्लास वह है, जिसको आप नजरन्दाज नहीं कर सकते, जहां कि एक शख्स अपना काम निकालने के लिये लालच देकर अफसर को

[पंडित ठाकुर दास भार्गव]

रिश्वत देता है और उसको उसके ईमान से डिगाना चाहता है। पहले क्लास वाले, जिससे कि रिश्वत एक्सटार्ट की जाती है, उसके बयान को यकीन किया जाये। लेकिन जो दूसरे क्लास का आदमी है, यानी जो कि अपना काम निकालने के लिये अफसर को रिश्वत देकर उसका ईमान डिगाना चाहता है, मैं नहीं चाहता कि आप कह दें कि वह सजा का मुस्तहक नहीं है। अगर आप ऐक्ट २ सन् १९४७ के सिलसिले में सरदार पटेल की स्पीच तो आपको मालूम होगा कि उन्होंने कहा है कि हम यह नहीं चाहते कि ऐसे मुजरिम के साथ हमदर्दी की जाये जो कि एबेटिंग करता है। आपने एक्सप्लेनेशन दिया है कि अगर रिश्वत देने वाले को हम मुजरिम ठहरावेंगे तो बहुत से केसेज फेल हो जायेंगे क्योंकि वह आदमी गवाही नहीं देगा। इसलिये मैं इस हद तक तो जाने को तैयार नहीं हूं कि हर ऐसे शख्स को जिसने रिश्वत दी है सजा का मुस्तहक समझा जाये। लेकिन मैं चाहता हूं कि आप दोनों क्लासेज में तमीज करें। एक तो वह जिससे रिश्वत एक्सटार्ट की गयी है और दूसरा वह जिसने अपना काम निकालने के लिये अफसर को रिश्वत दी है और उसके ईमान को डिगाने की कोशिश की है। ऐसे शख्स के साथ कोई हमदर्दी नहीं दिखाई जानी चाहिये। मैं चाहता हूं कि ऐसे लोगों को सजा दी जाये। आज जो सेक्शन आपने रखे हैं उनमें कुछ लीगल नुक्स भी नजर आता है। आपने कहा है कि जो शख्स यह बयान करे :

"that he agreed to offer or offered any gratification".

यह जो स्टेटमेंट है वह दफा १६५ए में नहीं आता। उसमें लिखा है कि जो अबैटमेंट करेगा वह सजावार करार दिया जायेगा। यह कहना कि मैं ने दिया या मैं एक्टी हुआ देने के लिये यह बयान बाई इटसेल्फ कोई एबेटमेंट नहीं है। इसलिये अगर सही मानों में इसको अदा किया गया तो यह जुर्म नहीं बनता। यह बयान इस काबिल नहीं होगा कि हम दफा १६५-ए के चार्ज को सबस्टैंशिएट कर सकें। सिर्फ इतना कहने से वह बयान दफा १६५ए में नहीं आता। वह बेमानी है। आप इस बेमानी चीज को शायद इसलिये रख रहे हैं कि अगर वह ऐसा बयान नहीं देगा तो जुर्म नहीं बनेगा। लेकिन जैसा कि मेरे लायक दोस्त सरदार साहब ने फरमाया कि ऐसे बयान से १६५ का जुर्म नहीं बनता लेकिन अगर उसका बयान झूठा साबित हुआ तो उस पर दफा १९३ जरूर लागू होगा। वह दुरुस्त है। अगर वह झूठा बयान देगा तो जरूर सजा का मुस्तहक होगा।

इस के अन्दर आनरेबिल मिनिस्टर साहब ने ट्रेप सिस्टम का जिक्र किया। मैं इसका पहले भी कई बार जिक्र कर चुका हूं। मैं अदब से अर्ज करना चाहता हूं कि जितनी जल्दी आप इसको डिसकंटीन्यू कर उतना ही एडमिनिस्ट्रेशन आव जस्टिस के लिये अच्छा होगा। मद्रास हाईकोर्ट ने एक शख्स को जिसको ट्रेप सिस्टम में भेजा गया था गुनाहगार करार दे दिया क्योंकि उसमें अबेटमेंट का जुर्म बनता था। इसके अलावा मैं अपने तजुर्बे से कहना चाहता हूं कि जो आदमी आप ट्रेप के वास्ते इस्तेमाल करते हैं वे इस कदर अनस्क्रुपुलस होते हैं उनसे आप जो चाहे बयान करवा सकते हैं। जो बयान वे करते हैं उसके डिफेंस में एक्यूज्ड बीसियों दफा यह कहता है कि यह रुपया भुनवाने के लिये लाया था, चावल के लिये लाया था और मेरे पास रख दिया। मैं कहता हूं कि एक ईमानदार अफसर है। लेकिन अगर कोई आ कर उसकी जेब में रुपया डाल देता है तो उसको लालच आ सकता है। तो ट्रेप में

इस तरह के तरीके इस्तेमाल किये जाते हैं वो कि जायज नहीं हैं। इस सिस्टम को बहुत से हाईकोर्ट जजेज ने बहुत ही खराब अल्फाज में कंडेम किया है।

मैं निहायत अदब से अर्ज करना चाहता हूं कि इस सिस्टम को जितनी जल्दी खत्म कर दिया जाय, उतना ही अच्छा है।

इस के बाद मैं यह कहना चाहता हूं कि आप चाहें जितने कानून बनाते जायें—सख्त से सख्त कानून बनाते चले जायें, लेकिन करप्शन बन्द नहीं होगी। इसकी वजह वह कार्यवाही है, जो कि हम ने अपने हाथों से की और हम को अब यह देखना चाहिये कि उस का रिजल्ट क्या हुआ है। हम ने अपने कांस्टीट्यूशन में दफा ३११ रखी और विलायत वालों की नकल करते हुये अपने पब्लिक सरवेंट्स को इतने ज्यादा हकूक और सेफगार्ड्ज दिये कि वे आज इतने महफूज हैं कि कोई उन को छेड़ नहीं सकता है। मुझे याद है कि एक बार एक मिनिस्टर साहब ने फरमाया कि एक मिनिस्टर होते हुये मैक्सिमम मेरी रैसपांसिबिलिटी है और मैक्सिमम ही इम्पार्टेंस है। आज एक मिनिस्टर को यह मालूम है कि फलां शख्स—फलां अफसर—ने यह जुर्म किया है या वह करप्ट है, लेकिन वह उस के खिलाफ कुछ भी नहीं कर सकता है। अगर यहां पर मैं इस सिलसिले में मिनिस्टरों में सब से आला मिनिस्टर की राय को कोट करता हूं, तो मैं समझता हूं कि मैं किसी राज का अफशा नहीं कर रहा हूं। मुझे मालूम नहीं कि उन को यह बात बन्द है या नहीं। मैं ने अर्ज किया कि "सारा हाउस—सारी दुनिया—जानता है कि आप के फलां सैक्रेटरी आला से आला अफसर, करप्ट हैं, लेकिन आप और सरदार पटेल उन का कुछ बिगाड़ नहीं सकते। क्या आपको यह बात मालूम ही नहीं है या आप इस बारे में हैल्पलैस हैं?" मैंने बड़ी जुर्रत कर के उन से यह सीधा सवाल पूछा, क्योंकि मैं फील करता था और लोग भी फील करते थे कि इस मामले को ठीक तरीके से हल नहीं किया जा रहा है। उन से मुझे जवाब यह मिला कि "मुझ को क्यों जिम्मेदार करार देते हो? तुम सारे क्या जिम्मेदार नहीं हो? तुम ने कांस्टीट्यूशन में दफा ३११ नहीं रखी?" मैं अर्ज करना चाहता हूं कि अब वक्त आ गया है कि इस सिलसिले में जल्द-अज-जल्द कोई मुअस्सिर कार्यवाही की जाय। अब हम यह बर्दास्त नहीं कर सकते कि लोग यह कहते रहें कि फलां आफिसर राशी है, करप्ट है और गवर्नमेंट उसके खिलाफ कुछ भी न कर सके।

सरदार पटेल के जमाने में एक कमेटी बनाई गई थी, जिस का मैं भी एक अदना मेम्बर था और बख्शी टेकचन्द जिस के चेयरमैन बनाये गये थे। उस कमेटी ने इन सब बातों पर गौर किया और अपनी सिफारिशात दीं। हमारे सामने सारे फिगर्ज आये थे कि कितने केसिज चलाये गये, कितने कामयाब हुये और कितने नाकामयाब हुये, वगैरह वगैरह। मैं चाहता था कि वे सारे फिगर्ज आज भी हमारे सामने आते। यह ठीक है कि हम को बहुत सी रिपोर्ट दी जाती हैं, लेकिन क्या हम आप को इन सब रिपोर्टों को पढ़ते हैं? इतने कागजात पढ़ना हमारे लिये नामुमकिन है और न ही कोई पढ़ता है। इसलिये इस के मुताल्लिक सब फिगर्ज हम को दिये जाते, तो अच्छा होता। मुझे ताज्जुब न होगा अगर लार्ज नम्बर आफ आफिसर्ज को सजायें दी गई हों, लेकिन सवाल यह है कि ये सजायें कैसे मिलती हैं। मेरे जैसे और मुझ से बढ़िया वकील नकायस निकालते हैं और ठीक नकायस निकालते हैं। अगर आप क्रिमिनल ला में सजा देते हैं, तो

[पंडित ठाकुर दास भार्गव]

बैनिफ़िट आफ़ डाउट एक्यूज्ड को जाता है। एक वजीर साहब ने मेहरबानी फ़रमा कर मेरे साथ इस बारे में डिस्कशन किया। उन की राय में—और वह सही राय है और मैं सौ फ़ी सदी उस राय से एसोशिएट करता हूं—ऐसे केसिज में, जब कि किसी शख्स पर, वह मिनिस्टर हो या कोई आला अफसर, यह शक किया जाय कि वह राशी है, करप्ट है, तो शबहे का फायदा मुलजिम को नहीं मिलना चाहिये, पब्लिक को मिलना चाहिये। आप उस को डिपार्टमेंटली डील कर सकते हैं। मद्रास गवर्नमेंट ने एक कमेटी बनाई थी, जिस ने इस सिलसिले में रूल्ज तैयार किये थे और वे हमारे सामने आये थे। मैं चाहता हू कि आप कांस्टीच्यूशन में तब्दीली कर दें और मिनिस्टर्ज को और बड़े से बडे आफिसर्ज को यह अख्तियार दे कि जिन आफिसर्ज की रेपुटेशन खराब है, अगर हो सके, तो उनके खिलाफ जुडिशल कार्यवाही करे, मुकद्दमा चलाये और अगर ऐसा न हो सके, तो उन को आर्टिकल ३०९ और ३१० (pleasure of President or Governer) को मद्देनजर रखते हुये यक-कलम बरखास्त कर दें। मैं तस्लीम करता हूं कि उन को यह हक देने में थोडी सी आरबिटरेरीनैस हो सकती है और किसी ऐसे आफ़िसर को तक्लीफ़ पहुंच सकती है, जिस की रेपुटेशन खराब है, लेकिन जो ईमानदार है। मुमकिन है कि चन्द केसिज में बेइन्साफी हो, लेकिन आम तौर पर इस कदम से फ़ायदा ही होगा और आप ठीक रास्ते पर आगे चलेंगे। अगर आप रैपुटेशन के बेसिस पर खराब लोगों को हटाने का हक लेंगे, तो इससे लोगों को संतुष्टि होगी। आर्टिकल ३११ के मुताबिक यह तय किया गया है कि हर एक मामले को जुडिशियली देखा जाय और हर एक मामले का सबूत पेश किया जाय। मैं अर्ज करना चाहता हूं कि ऐसे केसिज में सबूत कैसे मिल सकता है। इन की नौऐइत ही ऐसी है। दो शख्स ही इन्वाल्व्ड होते हैं। वे चुपके से अपना काम कर लेंगे। देने वाला दे देगा और लेने वाला लेगा। तो फिर सबूत कहां से आयगा? मैं अर्ज करना चाहता हूं कि ऐसे जुर्म को साबित करना बड़ा मुश्किल है। अगर ला के मातहत ११० जाबता फौजदारी में किसी को उस की रपुटेशन की बिना पर बदमाश करार दिया जा सकता है, तो वह रैपुटेशन ही किसी आफ़िसर के खिलाफ़ कार्यवाही करने के लिये भी काफ़ी समझी जानी चाहिये। इस सिलसिले में मेरी कन्क्रीट तजवीज यह है कि कास्टीच्यूशन में तब्दीली कर के प्रूव्ड केसिज में और बैड रैपुटेशन के मामले में यक-कलम कार्यवाही करने का हक होना चाहिये। पुराने राजाओं के जमाने में और चाहे जितनी बुराइयां हो, लेकिन यह वाकया है कि अगर किसी राजा को यह यकीन होता कि किसी शख्स ने कोई जुर्म किया है, तो उस को फौरन हटा दिया जाता था और उस को असर होता था। आज यह मुमकिन नही है। अगर किसी वजह से कांस्टीच्यूशन की तब्दीली वाकई तौर पर जस्टिफ़ाइड है, तो वह यही मौका है। आज हर एक जगह, हर एक की जबान पर, हर एक दफ्तर में करप्शन के अलावा और किसी बात का जिक्र नही है। आज-कल तो करप्शन एक स्टेटस की चीज समझी जाने लगी है। मैं अर्ज करना चाहता हूं कि अगर यही हालत रही, तो हमारी प्राइवेट, पब्लिक और आफिशल लाइफ़ ऐसी बन जायगी, जिस को बर्दाश्त करना मुश्किल हो जायगा।

मैंने इस सिलसिले में एक वाकया बयान किया है। यह उन बहुत से तरीकों में से एक है, जिस पर अमल करने से हम को कामयाबी मिल सकती है और जो कि कारगर साबित हो सकता है। इस वक्त मौका नहीं है कि मैं उन सब बातों पर बहस

करूं, जिन का पब्लिक सरवेंट्स से ताल्लुक नहीं है। मैं समझता हूं कि अगर आप इस तजवीज़ पर अमल करेंगे, तो मुनासिब होगा।

Shri Tyagi: While I am in full support of the measure under consideration in the House just now, I must say that enough efforts have been made by the Home Ministry to reduce this evil of corruption in the services, but there are some handicaps which, as my hon. friend Pandit Thakur Das Bhargava just now pointed out, come in the way. They are the hurdles, and therefore, I believe, perhaps the Home Ministry could not go to the extent to which they would otherwise desire to do. Therefore, my submission is that they must first try to remove those hurdles.

I am not in favour of doing the slightest harm to the morale of the services. I appreciate, and I hope it will generally be appreciated, that the services are the backbone of the administration and the main instrument through which democracy operates. Therefore, we should see to it that their morale is high; we should not demoralise them to the extent of their being always afraid of something or the other.

High morals, good morals, cannot always be hurled at people. The best means to raise morale is the means of inspiration. We can inspire morals, but morals cannot be hurled at people. Therefore, I submit we should not always depend for such a big mission on Acts or on legal measure alone, because these are hurling good morals, just hurling a hammer against corruption, but that is not the only way. It does serve the purpose to some extent, but the laws of the land are really not responsible for the morals of the country. They are only a little check, and I think they do a little fraction of the service. The real thing is the social conscience of the people. In fact, that is the essence. It is that on which we can depend. These laws are only helpful to some extent.

The air in the country today is of corruption, and this measure would just control the activities of an insignificant proportion of the population of the country, and would not help much, because really speaking it is the market morality we are concerned with.

For instance, I observed a child buying a balloon from a balloon-seller in the street. He was a little, young child and he had two anna pieces. He wanted to know how much the man would charge for a red balloon. The vendor said he would charge six paisas. He wanted only six paisas or 1½ annas, but the child did not know arithmetic and said: "I cannot give you six paisas, I can give you two one anna pieces". The vendor said all right and took it.

We should come out with a larger measure to stop this bargaining in the market. May be it is a little revolutionary measure, but if we were to enact a law that no shop-keeper will ever be allowed to bargain prices, that everybody must sell at fixed, notified prices, that will perhaps do a great deal, because all our morality flows from the market. Of course, it will help everybody because from childhood people will learn that there is only one word and no bargaining about it. That will give us the first lesson in high morals.

In Germany I came across a complaint. A friend said that when he went to India, from the air port—I do not know which air port it was—he bought an ivory elephant for Rs. 50 and when he came back he found that another friend had bought a similar one, the same type, same size, for more than Rs. 200, and he asked: "What is all this?" I was ashamed really.

I feel that perhaps we should have a measure which can in a practical

[Shri Tyagi]

way affect and control our market morality, but we are not touching that. Factually speaking, all bad morals flow from markets. Even revolution started from the markets. We started with hartals of shop-keepers. That is the place where everybody comes, from where things get propagated. I, therefore, suggest that the Home Ministry might examine if they can stop this—offering a thing at Rs. 200 and selling it for Rs. 50 after a little bargaining and haggling. This thing is being permitted as if it is the legitimate right of the shop-keeper to try to swindle anybody who comes to buy. That should be stopped. There are many other such measures whereby we can change the air in the country

If it is hot weather, one must perspire. It is no use air-conditioning this House. You can air-condition this House, but that will only be temporary and in this House alone. The whole country's atmosphere cannot be changed by means of air-conditioning. We have to resort to such measures whereby the morale of the whole nation can be raised. That is the panacea for this evil.

I again repeat that it is the services who are carrying on the administration and we must be very careful—and I plead with the Minister—to see to it that nothing is done which will upset the morale of the services or their reputation, because there is one clause to which I also take exception. I do not know, but it may be examined whether it will be helpful if it is passed. If it is passed, I hope the Ministry will take care to see that it is not misused. It is clause 3(b) in which a person who offers bribe makes a statement in a court that he offered bribe, and he will go untouched.

Shri Ranga (Tenali): That used to be the case in the past; in between they brought him also within the mischief of the Act.

Shri Tyagi: That is true. As my friend Pandit Thakur Das Bhargava has said, such persons are of two types. One is a man whose son or other relative is going to be implicated in some dacoity and the policeman says: "I can release him". It is a sort of extortion, because the man is in trouble, and therefore to give him relief, the officer just extorts him. Another bribe is that for earning monetary benefit a person himself comes—say, for a permit, a licence or some thing like that. He pays bribe in such cases. There may be many blackmailers who blackmail officers and the officers would not know what to do in such cases. So, they must be protected against this. Any time any case can be made out and false witnesses can be produced, because they know they will not be touched by the law. They can make false statements, complicate the matter and the officer would be convicted. Therefore, if this clause is passed, it must be used very carefully

With a little experience of governmental machinery, I must submit that most of the work can be done administratively. Only in very rare cases a person need be sent to the court. Mostly all these cases of corruption should be dealt with in the Ministry itself departmentally and that can be done easily. For that purpose, you have to change your rules of conduct of public services. For instance, according to the Constitution as has been pointed out, there is a requirement that nobody can be punished, dismissed or demoted or any severe punishment given to any government officer unless he is given full opportunity of defending himself. The Home Ministry have issued a set of rules with regard to it, on account of which I myself came across great difficulties many times. There was a case where four or five persons were involved in the sale of *haldu* wood and the loss was about Rs. 15 lakhs or Rs. 16 lakhs. The case came to me. A court of enquiry was appointed and the court said, "No doubt they have done it, but we cannot find any

evidence and therefore nothing can be done." I found that there were difficulties due to the regulations. Of course there was another court of enquiry, something else was done and the people were ultimately duly punished. Otherwise, on the first report, I was myself feeling handicapped. Such cases are numerous.

I want to give the House the benefit of a little bit of the experience I gained. Sometimes on account of some irregularity in your departmental investigation, they themselves prefer to go to court. There were two instances. I had once given one instance to the Home Minister. For 6 or 7 years they were indulging in litigation with Government, they were corrupt officers and they went to the court. They were suspended, but still they are drawing their suspension allowance. That is what I object to. Anybody who is convicted or dismissed or against whom departmental enquiry is being held should not be given any suspension or sustenance allowance if the officers are convinced that the man is realy guilty of corruption. Under the present rules, if a person is suspended for corruption or any other fault, he is given an allowance of 50 per cent of his pay. An officer getting about Rs. 2,000 easily manages to get Rs. 1,000 monthly and he can go on litigating for tens of years. The Home Ministry should look into it. I think perhaps there are in all more than 2 lakhs of cases pending in the courts. This is really miserable state of affairs. There are a number of cases pending in the High Courts. I have not got the figures, but in one High Court itself there may be 20 lakh or 20 thousand cases.

The Minister of State in the Ministry of Home Affairs (Shri Datar): There can never be 20 lakh cases in any court.

Shri Mohiuddin (Secunderbad): Are they all appeals against Government decisions?

Shri Tyagi: I am not talking of corruption cases alone; I am talking of the total litigation in the country. I do not know what the figures; they may be exaggerated. Even if the number of cases pending is in thousands, for 10 or 15 years a case is not finalised and is transferred from one court to another and so on. This is also a state of affairs which has to be looked into. According to my own knowledge of corruption cases, for seven years or more, two or three Government employees litigated with the Government because they were dismissed or some departmental action was taken against them. The case was going on and I could not help it, because it was in the court. There may be many such cases.

Another difficulty I may point out in departmental action is that the rules made by the Home Ministry are also slightly defective in my opinion. My hon. friend should revise them in the light of his own experience. There is one rule according to which when there is a charge againt any person, a charge-sheet is given. I can well understand it; he must know what is the charge. But along with the charge-sheet you have to give a detailed history of the offence. I do not know whether it is in the civil side also, but on the other side of which I have some experience, a court of enquiry is appointed to look into the charge-sheet and collect evidence, in the same manner as a departmental enquiry is made on the civil side. After the court of enquiry is satisfied that the man is really at fault, they put up their proposals to the Ministry and they themselves recommend a punishment. Then the Government is required to give that person a charge-sheet again and the same procedure starts. He comes out with his defence and like this months are taken. I think it is within the hands of the Home Ministry to give relief in this matter.

Another information I may give to the House is that the officers who are appointed to conduct these enquiries are really employed in some other important job in the Government and it is not possible for them to devote so much time. Every enquiry becomes

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a huge affair and takes two to three months. Witnesses do not come and the departmental enquiry also tends to become court-like. Summons are issued; summons are not served and there is postponement. The same procedure is adopted by the departmental courts of enquiry as well, namely, cross-examination, etc. These courts of enquiry become more or less regular courts and their decisions are also delayed as the decisions of regular courts. If it is possible to bring about some simplification in the investigation, it must be looked into. The officers who are appointed to make the enquiry have to accommodate their own duties also in the Ministry. So, only on a Saturday or Sunday they go to the spot to make enquiries. They do it according to their own personal leisure with the result that investigations are delayed and sometimes the evidence is also lost. I would suggest that the Home Ministry appoint some kind of standing tribunals, so that the cases may be immediately and swiftly decided and quick justice may be rendered. These are the methods by which the Home Ministry might draw much better advantage than this law. I still plead that the cases mostly need not be sent to the court.

Another difficulty is this. Senior officers with whom I had contacts told me that the laws of the Government are such that it is not possible to take any action against the junior officers. Action cannot be taken freely against the junior officers. Sometimes, even in cases where action is taken, there is some flaw here or there; some little ticklish thing is left out here or there, as, for instance, that a show-cause-notice is not served and so on. All these things happen because the method of enquiry is so complicated and every detail has to be looked into. So, officers have to be specially trained for this purpose. There are so many laws and by-laws and rules and it is not possible for every officer to know all these details. So, officers have to be specially trained. It is only then that there can be a perfect enquiry. Otherwise, in cases where punishment is given, the man goes to court and says that the enquiry was an irregular enquiry, such and such a notice was not served, and he is then let off by the court, and all the labour is lost.

14 hrs.

Therefore, I would suggest that firstly there must be simplification of pocedure. Secondly, the presons entrusted with these enquiries must be given regular training as to how to enquire into these cases. Thirdly, most of these cases must be dealt with departmentally. That is my special plea. With these words, I support this measure because, after all, it is a step in the right direction. I would, however, say that this should not be worked in a manner which will upset the morale of the services. That must be taken due care of, because the service must be nursed and supported, and they must have self-confidence, and if only confidence is exchanged with them, I am quite sure the senior officers will do the needful.

Mr. Speaker: How long is the Minister likely to take?

Shri Datar: Half an hour.

Mr. Speaker: It is now two O' clock I have to call the Minister at 2-30 P.M. The general discussion will go on till 3 P.M. We shall start the clause-by-clause discussion at 3 P.M. and conclude by 4 P.M. So, hon. Members will confine their remarks to ten minutes each.

Shri Ranga: I do not propose to take very long. I, like many of my other friends, am also in agreement with this measure. I am very glad my hon. friend Shri Tyagi has taken us into his confidence in regard to the manner in which these administrative rules formulated by the

Home Ministry have been worked to the detriment of public interest and to the advantage of the obstructive officers. I sincerely hope that the Home Ministry would give serious consideration to the suggestions that he has made.

At the same time, we all seem to be thinking and working in a kind of a circle. My hon. friends are extremely anxious that the morale of the services should not be affected and that they should be nursed. But I suppose they do not realise, and I hope they would realise, that in that way we would be cushioning the services all the time. The rules, about which Shri Tyagi has complained just now, have tended really to cushion these people very well and to protect them, and to make them more or less a kind of indemnified section of our general public. Therefore, somewhere or other, we have got to draw the line.

One thing is clear, and there is no doubt whatsoever that all are interested in protecting the morale of the administration, and not only in that, but in expecting that that morale should be as high as possible.

Shri V. P. Nayar (Quilon): Ceasar's wife.

Shri Ranga: That is one of the grounds on which the high salaries of the highly paid officers have been justified till now. Therefore, let us not overwork that particular argument.

Even at this juncture, what is most necessary for us all to realise is that the number of these public servants is rising every year, and in course of time, thanks to the planning mentality and attitude of our people and our Government, their numbers will go on increasing still further.

14.04 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

And their salaries also will go on increasing. So, why should we be so very particular now about maintaining their morale? It is not as if this Bill is going to weaken their morale. That is exactly where I am pained to have to disagree with my hon. friend Pandit Thakur Das Bhargava when he says that these people are going to be harassed. Who is being harassed today? Anybody who goes about the country would be able to see that it is not the public who are harassing the officers, but it is the officers who are harassing the public. Why should we be afraid that some members from the public would go to these people and make it a point to tempt them to be corrupt and then get them into trouble with law? On the other hand, it is these officers who are expected to administer the law, and who are expected to help us to see that these laws are put to good use, who are continuously going round the laws and breaking the laws also without running the risk of being hauled up before the courts.

So, I am extremely anxious that two things will have to be done. The Home Ministry will have to appoint a special committee or a special commission to examine very carefully, in the light of their own experience here as well as in the Home Ministries of the States, how these administrative services have been behaving *vis-a-vis* the public, *vis-a-vis* the whole of Government and their own duties. Secondly, let them also conduct some sample surveys in certain areas and in certain departments in order to find out the extent to which this evil of corruption is existing, and whether it is spreading, whether it is on the increase or decrease and so on. If they do these two things, then the ground will be ready to enable them to have a careful review of their own regulations concerning the conduct of these officers and employees, and how they are to be hauled up, how they are to be punished and so on. That kind of enquiry is also very badly needed.

Besides these three steps that they have to take I am anxious that they should also take into consideration whether their special vigilance staff

[Shri Ranga]

have been satisfactorily working, whether the time has not come when they should begin to examine the limits to which they can trust the ordinary police to help them to put down corruption. It is a fact that wherever prohibition has been in force, the worst offenders are the police officials themselves, who are expected to catch hold of the people who drink or who carry on illicit distillation. How are we to catch hold of these police officials if we are to depend upon those very people to catch hold of themselves? So, this has got to be examined.

I am glad that the scope of this Bill is being extended to cover the employees in the various commercial organisations which are worked directly under Government or indirectly through the aid of Government or with the blessings of Government. I am also glad that the *status quo ante* is proposed to be resorted, namely to relieve the people who give information to Government that they have been obliged to give bribes or various other kinds of satisfactions to the officer in order to get lawful redress from these officers, or to give exemption to these people from the rigours of the law. Even at the time when it was proposed that these people also should be treated as criminals, I protested against it and warned Government that under such circumstances, it would not be possible for them to get any kind of evidence at all, because the general public who are obliged to give some kind of satisfaction to many of these corrupt officials are not themselves criminally-minded, and they have had no other option but to give this kind of satisfaction to these officials. Otherwise, they would not get satisfaction from these people. What was happening in those days when we had controls? Almost every aspect of our social and economic life was being controlled by Government and their laws, and necessarily, larger and larger slices of the general public were obliged to go to the officials and get some kind of redress, some kind of relief, or some kind of assistance, that is, legitimate assistance, which they could not get unless they were prepared to satisfy the officials with money or something else.

My hon. friend Pandit Thakur Das Bhargava seems to be under the impression that we have reached normalcy. But I do not find any evidence of normalcy anywhere. On the other hand, more and more aspects of our own social and economic life are coming under the control of the State Governments as well as the Central Government directly or indirectly because of this planned economy, and more and more aspects of our social life are bound to come under the control of governmental activities. Therefore, there can be no such thing as normalcy for some years to come until this planned economy is achieved and some stabilisation of our social life is also achieved. Therefore, I am anxious that the general public ought not to be penalised, and for that very reason, I would say that this exemption that is sought to be given in this Bill for those unfortunate people who are obliged to give some kind of gratification to these officers, from being themselves hauled up in their turn before the criminal courts of law should be welcomed and not opposed as was done by my hon. friend Pandit Thakur Das Bhargava.

Many other things can be said, but there is not time enough to expatiate upon all these things. I would like to close with this general remark that I am extremely unhappy that although it is more than ten years since we have become free, we do not seem to be anywhere near either limiting or liquidating this terrible evil of corruption in the administrative ranks.

Shri Naushir Bharucha (East Khandesh): I welcome this Bill as a step in the right direction. In doing so, one must also pay a tribute to the integrity and industry of the officers in the employ of the Government.

When one incident of corruption comes to the notice of the House, there is usually a tendency to generalise from that and to paint the entire officialdom as corrupt. I do not take that view, but still I think it is desirable that the provisions of this Bill should be extended to include those officers in the so-called autonomous bodies which we are creating, since they are handling transactions running into hundreds of crores of rupees.

It appears to me that Government are not really serious in stamping out corruption where it exists. When they talk of suppressing corruption, Government roar like a lion but when it comes to action, they act like a timid lamb. This Bill is welcome. But it does not go far enough. In the first place, there are inherent difficulties in detecting corruption, particularly in the matter of monetary bribes. The only two persons vitally interested in corruption are the bribe-giver and the bribe-taker, and both are penalised as offenders. Thereby, we completely cut out the only possible main source of information that we might otherwise get.

I am not quite prepared to say it categorically, but it appears to me that the time is fast coming when our legislation must provide, much against our will, that the bribe giver must have considerable immunity, if he is going to be a good source of evidence against the bribe-taker. Today as the law stands, it is impossible for any person to come forward and say that he gave a bribe to a particular officer, and the mere fact that some measure of immunity by way of a pardon is given to the bribe-giver is, to my mind, not adequate consideration, and law in that respect may have to be liberalised, much against our will, if this Bill is going to be a practical proposition.

I also do not agree with the Minister in charge that there should not be a provision in this Bill excluding the application of the Probation of Offenders Act. As the House knows, we are shortly going to enact a law in which every offence, except that for which death sentence is awarded or punishment of transportation for life or life imprisonment is awarded, is going to be subject to the provisions under which even a habitual offender can be released on probation. I ask: what is the use of taking up the time of this House in enacting legislation providing minimum imprisonment as we do here and, on the other hand, enacting another legislation wiping out the effect of that? The hon. Minister in charge has said that corruption is a grave offence and we can trust the Magistrates to look into it and award adequate sentence. But the Minister also says in the Notes on clauses that 'experience has shown that there is a tendency among the courts to deal too leniently with public servants convicted under the Prevention of Corruption Act'. Which voice of the Minister shall I believe—the one in the course of his speech while moving for consideration of the Bill or the notes or clauses which he has prepared? The Minister is of the view that 'even where imprisonment is awarded, the period is frequently too small to have adequate punitive or deterrent effect and the amounts of fine imposed are frequently grossly incommensurate...'.

Therefore, if in the Notes on clauses the Minister cannot trust the magistracy, I submit it is very necessary to include a provision in this Bill which will exclude the application of any law which relates to release of offenders on admonition or on probation.

To my mind, there are five ways in which this particular amendment to criminal law might be made more effective. First, it is not enough to wait until you catch red-handed an officer who is corrupt. I am of the opinion that law should be in the direction of compelling certain government officers around whom an aroma of corruption exists to disclose

[Shri Naushir Bharucha]

their wealth to a particular high government officer—disclosure of wealth by legislation. I do not say that every officer must be made to disclose his wealth, but such officer around whom an aroma of corruption exists. This aroma of corruption does not come by itself. People will not falsely accuse an officer of corruption; they may say that he is short-tempered, inefficient, careless, negligent etc, but they will not say that he is corrupt unless he is so. I therefore submit that law should be made in the direction of compelling such of the officers as in the opinion of Government have collected around them a notoriety of corruption, to disclose their wealth. The onus must be upon them to say how they acquired every item of wealth.

Secondly, certain immunities would have to be granted to the bribe-giver who is the only source of evidence, important evidence at that. Thirdly, we should exclude application of any statute which releases people on probation or minimises the effect of this legislation. Fourthly, simplify the procedure about inquiry. That can be done. Shri Tyagi said that our inquiries were degenerating into courts; he does not know that legally these are known as 'domestic courts' or 'domestic tribunals'. But the procedure can be very much simplified and it should be done. Lastly, I submit that so long as people at the higher level keep on accepting political contributions from companies it becomes greatly difficult for them to preach morality and say that they are not corrupt.

These are the lines on which Government must proceed. Unless they proceed boldly, particularly in the matter of compelling certain officers to disclose the sources of their wealth at least in cases where a notoriety of corruption exists—to my mind, there is no practical method of tackling corruption.

श्री खांडेकर (बिलासपुर) : उपाध्यक्ष महोदय, यह जो विधेयक सदन के सामने आया है, उससे सदन को सन्तोष है और मैं समझता हूं कि यहां की जो जनता है, उसे भी सन्तोष होगा कि भ्रष्टाचार और घूसखोरी को दबाने के लिये सरकार कितनी प्रयत्नशील है । परन्तु जिस तरीके से सरकार भ्रष्टाचार को दबाना चाहती है और उसका उन्मूलन करना चाहती है, वह तरीका कहां तक कामयाब होगा, इसमें अभी भी सन्देह है । १९५३ या १९५४ में इसी सदन में जब घूस देने वाले और लेने वाले दोनों को अपराधी घोषित किया गया, तभी हम में से कई सदस्यों ने कहा था कि घूस देने वाले को यदि हम कानूनी दांव-पेच से या कानून के शिकंजे से बचा सके, तभी जाकर हम घूस लेने वाले को पकड सकते है । इस सदन में यह विधेयक देर से आया है, लेकिन दुरुस्त आया है । अभी भी घूस देने वालो को जो प्रोटेक्शन या जो बचाव मिल रहा है, मैं समझता हूं कि वह काफी नही है । उनको और भी ज्यादा बचाव देने की आवश्यकता है । मैं समझता हूं कि जो व्यक्ति घूस लेने के केस की सूचना भी दे, चाहे वह कोई अधिकारी हो या सबार्डिनेट हो, उसके प्रोमोशन—तरक्की—के लिये या कोई इनाम देने के लिये सरकार को कोई न कोई नया तरीका अपनाना चाहिये । अगर कोई चाहे, तो किसी भी कोर्ट या दफ्तर में आध, एक, दो घंटे के बाद ही उसको यह सूचना प्राप्त हो सकती है कि अमुक अफसर को अमुक आदमी ने कितने पैसे दिये हैं और किस लिये दिये है ।

उसको फौरन खबर मिल जाती है क्योंकि आज के जमाने में, सभ्यता के इस जमाने में कानून के इतने दांव पेच हो गये हैं कि आप कितना सख्त भी क्यों न कानून बना लें लोग उससे बचने का तरीका ढूंढ ही लेते

हैं और बच ही निकलते हैं। लोग घूस देकर ही रहते हैं और अपना काम निकलवा कर ही रहते हैं। आपको देखना यह होगा कि जो इन्फार्मेंट है, जो सूचना देने वाला है, उसकी आप किस तरह से मदद कर सकते हैं। आपने केन्द्र के प्रत्येक मंत्रालय में एक विजिलेंस सेक्शन खोल रखा है और एक विजिलेंस अफिसर नियुक्त कर रखा है। हमें कुछ भी पता नहीं कि इन विजिलेंस आफिसर्स ने साल में कितने मामले पकड़े, कितने मामलों को कोर्ट में पेश किया, कितनों को सजा हुई, कितने आफिसर्स को डिमोट किया गया, कितनों को डिसमिस किया गया। आपको चाहिये था कि आप इन सब आंकड़ों को हमारे सामने प्रस्तुत करते। इसके बिना हम कैसे यह कह सकते हैं कि जो प्रिवेनशन आफ करप्शन एक्ट हमने बनाया है वह सफल रहा है। मैं आशा करता हूं कि जब मंत्रालयों के अनुदानों पर विचार किया जायेगा उस वक्त ये सब आंकड़े हमारे सामने प्रस्तुत कर दिये जायेंगे। आप विधेयक को तो पेश कर देते हैं लेकिन हमें पूरी जानकारी नहीं देते हैं। इनके बिना इस बात का पता लगाना कि हमें कितनी सफलता मिली है या कितनी नहीं मिली है, मुश्किल हो जाता है। मैं चाहूंगा कि आप हमें बतलायें कि अब तक जब से प्रिवेनशन आफ करप्शन एक्ट बना है कितने प्रथम श्रेणी के पदाधिकारी, कितने द्वितीय श्रेणी के पदाधिकारी, कितने तृतीय श्रेणी के पदाधिकारी और कितने चतुर्थ श्रेणी के पदाधिकारी पकड़े गये हैं, कितनों को सजा हुई है, कितनों को नौकरी से बरखास्त किया गया है, कितनों को डिमोट किया गया है और कितनों को दूसरी तरह की सजायें दी गई हैं। यह सारा ब्योरा हमारे सामने आना चाहिये था और तब जाकर इस सदन के सदस्यों को सन्तोष होता।

आपने स्पेशल ट्रिब्यूनल या स्पेशल मैजिस्ट्रेट मामलों को निबटाने के लिये रखे हैं। लेकिन वहां भी किस तरह से केस जाते हैं और साल में कितने केस जाते हैं। एक मामली कांस्टेबल का मामला पकड़ा जाता है या पटवारी का मामला पकड़ा जाता है या लेखपाल का मामला पकड़ लिया जाता है जिसने कि दो रुपये की घूस ली होती है। साल भर मामला चलता रहता है और बाद में पांच रुपया जुर्माना हो जाता है। इस पर सरकार का कितना ही खर्च हो जाता है। पांच हजार उसने कमा लिया होता है लेकिन जुर्माना दो रुपया ही होता है। अदालत द्वारा दी गई सजा का उस पर कोई असर नहीं होता है। इस तरह से भी होता है कि जब बड़े अफसर कहीं जाते हैं तो उनके स्वागत के लिये, उनकी तैयारी में या उनको अपने यहां रखने में जो सबार्डिनेट अफसर होते हैं उनको काफी खर्च करना पड़ता है और ये बिना घूस लिये ऐसा नहीं कर सकते हैं। आई० जी० जाता है, डी० आई० जी० या डी० एस० पी० जाता है तो थानेदार को उसकी कई तरह से आवभगत करनी पड़ती है। उनके लिये पहले तो दो बकरे चाहियें, दो चार व्हिस्की की बोतलें चाहिये, बढ़िया चावल और गेहूं चाहिये। ये सब चीजें वह अपनी तनख्वाह में से कैसे जुटा सकता है। इसका नतीजा यह होता है कि उसको जबर्दस्ती घूस लेनी पड़ती है या बारीक चावल गेहूं या रुपया लेना पड़ता है। अगर वह उनका स्वागत सत्कार नहीं करता है तो उसकी पनिशमेंट एरिया में ट्रांसफर कर दी जाती है, किसी न किसी तरह से उसको एंटेंगल किया जाता है। अगर वह ईमानदार रहने की कोशिश करता है, तो इस तरह की पनिशमेंट उसको मिलती है। यह भी एक बड़ा भारी भ्रष्टाचार है। जो आदमी उसको भ्रष्ट करता है, उसी आदमी को आप उसके खिलाफ जांच करने के लिये नियुक्त कर देते हैं। अगर एक सब-इंस्पेक्टर घूस लेता है तो होता यह है कि जो उसका इमिडियेट सुपीरियर होता है, सर्किल इंस्पेक्टर होता है, जो कि साझीदार होता है, उसी को इन्क्वायरी के लिये भेज दिया जाता है। इस तरह से

[श्री खांडे]

कैसे घूसखोरी को रोका जा सकता है । मैं चाहता हूं कि जिस जिले में भ्रष्टाचार हो तो उस जिले को छोड़ कर वहां से तीन सौ या चार सौ मील दूर किसी दूसरे जिले के अफसर को या किसी दूसरे डिपार्टमेंट के अफसर को, निष्पक्ष अफसर को, जांच के लिये भेजा जाये । अगर आप ऐसा करेंगे तो घूसखोरी काफी हद तक कम हो सकेगी ।

आजकल देखा जाता है कि जो छोटे तबके के कर्मचारी हैं, चतुर्थ श्रेणी के कर्मचारी हैं या लिपिक हैं, उनको हम घूसखोरी में अक्सर पकड़ते हैं । इसका कारण यह है कि उनको पकड़ना आसान होता है । उनकी तनख्वाहें कम होती हैं । केन्द्रीय सरकार के जो कर्मचारी हैं उनके वेतन तो मैं समझता हूं, रीजनेबल हैं, राज्य सरकारों के कर्मचारियों से काफी अधिक हैं । लेकिन जो राज्य सरकारों के कर्मचारी हैं, उनके वेतन बहुत कम हैं । कोई ७५ रुपया उनको महंगाई भत्ता मिला कर माहवार मिलता है । वे लोग मैट्रिकुलेट या ग्रेजुएट होते हैं लेकिन तनख्वाह बहुत कम मिलती है । आजकल एक मजदूर को भी दो या तीन रुपया रोजाना मिल जाता है । जब इन लोगों को कम तनख्वाह मिलती है तो विवश हो कर उनको घूस लेनी पड़ती है । इस वास्ते जब तक आप तृतीय श्रेणी के जो राज्य सरकारों के कर्मचारी हैं उनका वेतन नहीं बढ़ायेंगे तब तक मैं समझता हूं वे सरकार से पैसा तो नहीं लेंगे हमारी जनता से अवश्य परोक्ष रूप में ले लेंगे । चतुर्थ श्रेणी के कर्मचारी को मैं छोड़ देता हूं । इन लोगों को अपने परिवार वालों को पालना होता है, अपनी जीविका चलानी होती है, अपना स्टैंडर्ड आफ लिविंग मेनटेन करना होता है । ये लोग चपड़ासियों की तरह से नहीं रह सकते हैं । उन्हें सूट चाहियें, बूट चाहियें, सिनेमा देखने के लिये पैसे चाहियें । पढ़े लिखे होने के कारण उनको वैसा ही वातावरण चाहिये । इन सब कामों के लिये उनको पैसा चाहिये जो कि या तो गवर्नमेंट दे सकती है या वे परोक्ष रूप से पब्लिक से लेंगे । इस वास्ते मैं समझता हूं कि जो तृतीय श्रेणी के कर्मचारी हैं, जो लिपिक वर्ग के कर्मचारी हैं, उनके वेतन बढ़ाये जाने चाहियें ।

एक बात और कह कर मैं समाप्त करता हूं । आज यह नहीं देखा जाता है कि जो सरकारी कर्मचारी हैं उनके पास चल और अचल सम्पत्ति कहां से आती है । इसका ब्योरा मंगवाने में हिचकिचाहट की जाती है । अमुक अफसर ने, अमुक पदाधिकारी ने, या अमुक कर्मचारी ने कितना रुपया या कितनी चल और अचल सम्पत्ति कहां से प्राप्त की है और किस तरह से प्राप्त की है, इसका ब्योरा न सदन को दिया जाता है और न सरकार के ही पास होता है । सरकारी अफसर बहुत चालाक होते हैं । वे इस सम्पत्ति को या तो अपनी औरत के नाम कर देते हैं, या बहन के नाम कर देते हैं, या भतीजे के नाम कर देते हैं या दूसरे सम्बन्धियों के नाम उसको लिखा देते हैं । ऐसा करने से वे कानून के शिकंजे से बच निकलने में सफल हो जाते हैं । मैं चाहूंगा कि इस बारे में कड़ाई बरती जाये ।

घूसखोरी के सम्बन्ध में आप कानून तो बना देते हैं और उसमें पनिशमेंट की व्यवस्था भी कर देते हैं । परन्तु गवर्नमेंट की मशीनरी को हमें कड़ा बनाना होगा । पारल कोड को, वर्किंग मैथड को भी साथ ही साथ हमको एक्सैलरेट करना होगा । जब तक हम ऐसा नहीं करेंगे घूसखोरी का दमन नहीं हो सकता ।

श्री अमरपाल सिंह (फिरोजाबाद) : उपाध्यक्ष महोदय, जहां तक इस विधेयक के उद्देश्यों का सम्बन्ध है, इनके साथ किसी को कोई मतभेद नहीं हो सकता । मैं सोचता हूं कि जिन उद्देश्यों को ले कर इस विधेयक को यहां पेश किया गया है उन उद्देश्यों पर

अमल करने का तथा उनको प्राप्त करने का यदि ईमानदारी से पालन किया गया होता तो जिसको हम भ्रष्टाचार कहते हैं, वह कभी का खत्म हो गया होता । जरूरत इस बात की थी कि कानून पर कड़ाई से अमल किया जाता और यदि हमारी इच्छा ऐसी रहती कि भ्रष्टाचार को खत्म करना है तो भ्रष्टाचार दूर हो गया होता । लेकिन आज होता यह है कि हम दूसरों की तरफ देख कर यह कहते हैं कि यह भ्रष्ट है लेकिन क्या हम यह सोच सकते हैं कि हम में और आप में ही कितने भ्रष्ट लोग हैं जिसकी वजह से भ्रष्टाचारी अफसर जो हैं उनको सजा दिलाने में हम समर्थ नहीं होते हैं । आप अगर जांच करना चाहें तो जांच के बाद आपको पता चलेगा कि १९४७ के बाद जो लोग इस जनतंत्री सरकार में बड़े बड़े पदों पर काम करते हैं या मिनिस्टर रह चुके हैं और हैं उनकी हैसियत किस तरह से बढ़ी है इस सब का आपको पता लग जायेगा । मुझे ताज्जुब नहीं होगा कि ये आकड़े जो हैं ये काफी सैकड़ों निकलेंगे अगर इनको पूरे हिन्दुस्तान के पैमाने पर लिया जायेगा । जब हम लोगों में से, चुने हुये लोगों में से, इस तरह के भ्रष्टाचारी पैदा हो सकते हैं और छलांग मार कर बढ़ सकते हैं और कानून की हिमायत भी हासिल हो सकती है तो दूसरे भ्रष्टाचारी लोगों को पकड़ने के लिये या भ्रष्टाचार को रोकने के लिये हम कैसे सफल हो सकते हैं । हमें यह नहीं बतलाया गया है कि कौन कौन से ऐसे अफसर थे जिन्होंने घूसखोरी की है और उनको क्या क्या सजायें दी गई हैं । इस सब के बिना मुझे ताज्जुब है कि इस उद्देश्य को प्राप्त करने में हम किस तरह से सफल हो सकते हैं । इस उद्देश्य की सफलता के लिये यह आवश्यक है कि हम अपने दृष्टिकोण को बदलें । यह कहना कि हिन्दुस्तान की जनता भ्रष्ट है जिनमें से कि अफसर लोग आते हैं क्योंकि जनता में से ही ये लोग आते हैं, ठीक नहीं है, मैं इसको नहीं मानता हूं ।

हम लोगों को जनता का नेतृत्व करना चाहिये लेकिन हम नेतृत्व नहीं करते हैं । हमेशा यह दलील दी जाती है कि जनता भ्रष्ट है इसलिये ये लोग भी भ्रष्ट हैं । मैं इस बात को भी मानने के लिये तैयार नहीं हूं कि जनता में कुछ लोग जो भ्रष्ट हैं, वे किसी अफसर के ईमान को डिगा सकते हैं । हमारे बीच में ऐसे अफसर हैं जिनके ईमान को डिगाने की कोशिश की गई है लेकिन जिन का ईमान डिगा नहीं है । इस वास्ते इस बिना पर यह कहना कि अफसरों का ईमान इस वजह से डिगा दिया जाता है क्योंकि जनता में भ्रष्टाचार है और जनता में से ही ये लोग आते हैं, इसलिये वे भ्रष्ट हैं, मैं इसे कभी मानने के लिये तैयार नहीं हूं ।

उपाध्यक्ष महोदय, इस सदन में शायद ही कोई ऐसा विधेयक आया होगा जिसके कि ऊपर एक मत से लोगों ने अपनी सहमति प्रकट की हो और उसका स्वागत किया हो । हमारी सरकार को इस तरह के कदम उठाने चाहियें जिससे अफसरों के दृष्टिकोण में परिवर्तन आये । मैं अपने माननीय मित्र भार्गव जी से पूरी तरह सहमत हूं । हमने अपने विधान में इस तरह के कुछ अधिकार दे रखे हैं और उनको हमारे मिनिस्टर साहब भी नहीं निकाल सकते । वे जानते हैं कि हमारे खिलाफ कोई कार्यवाही नहीं की जा सकती है । हम हमेशा के लिये यहां बने रहेंगे ।

अभी मूदड़ा शेयर्स का एक बहुत महत्वपूर्ण केस सामने आया है और उसकी रिपोर्ट संसद् के सामने शीघ्र ही आने वाली है और उस अवसर पर उसको इस पर पूरी तरह से विचार करने का अवसर मिलेगा । उन अफसरान के खिलाफ़ जिनको कि इस मूदड़ा शेयर्स के सिलसिले में जिम्मेवार ठहराया गया है, उपयुक्त अवसर आने पर हम देखेंगे कि उनके खिलाफ़ क्या कार्यवाही कर सकते हैं । चूंकि अभी वह रिपोर्ट हमारे सामने

[श्री भजराज सिंह]

आई नहीं है इसलिये मैं आज उस सम्बन्ध में अधिक नहीं कहूंगा ।

मैं निवेदन करना चाहता हूं कि जहां तक इस विधेयक के उद्देश्य का सवाल है वह बहुत सुन्दर है लेकिन इसका पालन करने के लिये सरकार ने अभी तक क्या कार्यवाही की और इस विधेयक के पास हो जाने से क़ानून बन जाने से हमारी सरकारी सेवाओ मे जो भ्रष्टाचार फैला हुआ है वह कितना कम होगा, यह देखने की बात है ।

मैं एक बात की तरफ़ मंत्री महोदय का ध्यान दिलाना चाहूंगा । क्लाज ३ में जो यह शर्त लगी हुई है मैं समझता हूं कि वह बिल्कुल ही ग़लत है । आपने पहले यह कहा कि एक साल से कम सजा उसको स्पेशल जज या मजिस्ट्रेट न करे । आप यह कहना चाहते हैं कि कोई स्पेशल सरकमस्टान्सेज हो जिनकी कि वजह से वह अगर चाहे तो वह सजा भी और जुर्माना भी न करे लेकिन उसे लिखना पड़ेगा कि स्पेशल सरकमस्टान्सेज की वजह से ऐसा करना पड़ा । मैं निवेदन करना चाहता हूं कि आप यह मत भूल जाइये कि जो अफ़सर उनके सामने जायेंगे उनका ट्राएल होगा, मुकद्दमा चलेगा । वह आखिर एक वर्ग के लोग हैं । हम इससे इंकार नहीं कर सकते कि इस देश में एक वर्ग संघर्ष चल रहा है, मजिस्ट्रेट भी वहां होते हैं दूसरे लोग भी होते हैं, अगर आप यह अधिकार दे देते हैं तो मुझे शक है कि मजिस्ट्रेट इस तरह के स्पेशल सरकमस्टान्सेज निकालने के लिये तैयार हो जायेंगे और स्पेशल कंसिडरेशन करके कह देंगे कि हम एक साल की सजा देने के लिये तैयार नहीं हैं । अगर आपको यह शक है कि इसमें बहुत से निर्दोष व्यक्ति फंस सकते हैं तो आप इसे १, २ साल ट्रायल करके देख सकते हैं । आप यह कह सकते हैं कि १ साल की सजा देना किसी मजिस्ट्रेट के लिये आवश्यक होगा । जब किसी भ्रष्ट सरकारी अधिकारी का मुकद्दमा सामने आये और उसका दोष सिद्ध हो जाये तो उसे एक साल से कम सजा नहीं होगी, इस तरह की व्यवस्था आप १, २ साल के लिये करके ट्राएल कर सकते हैं । अगर इस बीच आप देखते हैं कि बहुत से निर्दोष व्यक्ति फंस गये तो आप इस तरह का प्रोवाइजो ला सकते हैं लेकिन शुरू में जब आप सरकारी नौकरियों मे से भ्रष्टाचार का उन्मूलन करने के लिये कड़ा कदम उठाना चाहते हैं तो आपको इसमें इस तरह का प्रोवाइजो डालना चाहिये कि दोष प्रमाणित होने पर जज अथवा मजिस्ट्रेट एक साल से कम की सजा न करे । आज जो हमारी परिस्थितिया हैं उनको देखते हुये यह बहुत जरूरी हो जाता है कि हम भ्रष्ट अधिकारियो के खिलाफ़ सख्ती का बर्ताव करे ताकि दूसरों को उससे नसीहत मिले और इस भ्रष्टाचार का हमारे देश और समाज में से उन्मूलन हो । यह ठीक है कि आपको इस बात की चिन्ता है कि कही किसी निर्दोष व्यक्ति को सजा न हो जाय । उसके लिये हमारा जो फ़ौजदारी कानून है उसमें साफ तौर पर लिखा हुआ है कि बेनिफ़िट आफ़ डाउट हमेशा ऐक्यूज्ड को मिलेगा । लेकिन आज जो हालत हमारे देश में हैं और ऊपर से ले कर नीचे तक हमारे वहा पर जो भ्रष्टाचार फैला हुआ है उसको खत्म करने के लिये सख्त कदम उठाने की आवश्यकता है । हम देखते हैं कि सरकारी अफ़सरान जिनको कि ५०० रुपये या १००० रुपये तनख्वाह मिलती है, कहीं कहीं पर उनके पास लाखो रुपये की सम्पत्ति इकट्ठा हो जाया करती है । इसको रोकने के लिये यह बहुत जरूरी हो जाता है कि हम सख्त क़दम उठायें और जहां भी कोई खामी हो उस खामी को हम दूर कर दें । इन शब्दों के साथ में इस विधेयक के उद्देश्यों का स्वागत करता हूं और आशा करता हूं कि इसमें जो कमियां दिखाई पड़ती हैं, उनकी तरफ़ आनरेबुल मिनिस्टर का ध्यान जायेगा और

वे एक ऐसा क़ानून बनावेंगे ताकि वे सरकारी अधिकारी जो कि भ्रष्ट हैं उनके दिमागों में यह बात बैठ जायेगी कि अगर वे पकड़ लिये गये तो वे बग़ैर सज़ा पाये नहीं बचेंगे ।

Shri Datar: Mr. Deputy Speaker, I was extremely happy to find that there has been a unanimous chorus of approval of the provisions of this Bill though my hon. friends opposite had to say that the support has been offered more or less in a spirit of reluctance or in a spirit of what they call despair. May I clear that atmosphere here?

So far as the law of corruption is concerned, the Government are extremely anxious that all corruption should be rooted out wherever it exists and for that purpose I would assure my hon. friend Shri Nayar that Government have been tackling this problem on all the different fronts. Therefore, he need not be pessimistic that Government are only trying to tighten the law so far as the letter of the law is concerned. May I tell him in all earnestness that Government are anxious that all corruption is rooted out or eradicated and therefore it is not merely the letter of the law but the spirit of the law that is very important.

This question has to be considered from a number of points of view. One is naturally the tightening of the law. The second is the administrative machinery. So far as this machinery is concerned, it has to work with two objectives. One is, that all chances of corruption and all temptations for corruption should be removed as early as possible even before corruption takes place. That is what is called vigilance —a vigilance division—of the activities undertaken by Government in this respect.

Then, assuming that there are cases of corruption, naturally those cases have to be fully investigated into and thereafter, wherever it is found that corruption has been proved and that a certain further action has to be taken either by way of a departmental proceeding or by way of approaching the criminal court through prosecution, that action has to be taken. In all these things, I have pointed out the various fronts on which this problem has to be attacked.

Here, we are concerned with the question of tightening up of the law though, incidentally, the Members are entitled to ask what we have done. I am prepared to satisfy this House by saying that Government have been extremely anxious, serious and keen that corruption is not merely controlled but eradicated to the fullest extent possible

Before I deal with the various points and answer them to the extent that is necessary at this stage, may I refer to the speech made by Shri Tyagi who made out a very important point. It is true that on the one hand we have to eradicate corruption wherever it exists. Secondly, we have also to consider what would be the effect of an unrestrained criticism regarding corruption, even where there may not be any corruption at all. I would request the hon. Members opposite, especially Shri V. P. Nayar and others, to realise that it would not be proper to say that corruption is at all stages and exists to a very large extent than what we ordinarily believe.

I would point out here that as we go down, there is corruption to a certain extent, but so far as the higher officials are concerned, I should say that they are free from corruption. (*Interruption*).

Mr. Deputy-Speaker: The Minister has to make his speech. The hon. Members have already expressed their views. Let the hon. Minister proceed.

Shri Datar: There was not a word of interruption from me when the hon. Members opposite spoke.

Shri V. P. Nayar: The Minister must be informed. I said that there is corruption in the higher ranks as

[Shri V. P. Nayar]

well as in the lower ranks. I also said that I would not venture to say that there is corruption everywhere.

Shri Datar: I am very glad that the hon. Member says that corruption is not to such a higher degree in the higher levels as it is in the lower levels. So far as that question is concerned, it is a question of degree as to what extent corruption is there in the higher and lower rungs. He further stated, in collaboration of his particular point, and I am afraid without any material, that Government have been soft towards their officers. Government have never been soft at all. Whenever there is any action, departmental or criminal, Government always takes action, irrespective of the person, whether he belongs to the lower cadres or whether he belongs to the higher rungs of the governmental machinery. Therefore, it was extremely good on the part of Shri Tyagiji to have pointed out a very important circumstance. He stated that it is true that wherever there is corruption, that has to be eradicated and, secondly, strong and stern action has to be taken against the guilty person. But that does not mean, as he rightly pointed out, that we should go on criticising the officials or the Government servants as a class That would certainly lead to a sense of demoralisation. Therefore, Government are anxious that, without having anything that would lead to demoralisation, we should take every step for purifying the whole administrative machinery.

That is the object, so far as Government is concerned; and I might assure my hon. friends opposite, and also some on this side, that Government have been taking vigilant action and they are anxious to see that cases of corruption are disposed of as early as possible

Some hon. Members today suggested that department proceedings go on for an inordinate length of time. That is not correct. Ordinarily, all these proceedings are finished as early as possible, between 3-6 months. Only in exceptional cases, especially on account of certain impediments caused to the immediate disposal of such a case by the other side, that is, by the accused, a long period is taken. Ordinarily, the matter is disposed of as early as possible.

Coming back to the various points that the hon. Members have raised, may I point out that it is our desire to see that the law is as it ought to be, namely, that the law must be strong and it ought to be open to the Government to take proper action so far as legal provisions are concerned? For that purpose, we have brought in certain provisions. May I point out that immediately after or about the time of the transfer of power, in 1947 itself the Central Assembly passed a law, known as the Prevention of Corruption Act.

So far as this Act is concerned, two points may be noted. One was, apart from the provisions we had in the Indian Penal Code which deal with corruption without necessarily defining corruption—that should be noted; corruption is not defined there—we had other enactments. Although we have a number of variants of corruption, corruption itself was not defined in the Indian Penal Code. But there were certain circumstances. There were cases where certain action was taken or there were certain cases where it was found that the fruits of corruption was in the enjoyment of the accused or guilty person. Therefore, a general offence was created, known as criminal misconduct. That is part No. 1. An improvement in the law was made round about 1952.

Secondly, I would also like to refer to another point in this connection. My senior friend, Shri Thakur Das Bhargava stated that the presumption that has been introduced in this law

was going to be only for a short period or for an emergency, as it is called and that presumption in the Prevention of Corruption Act should not remain in the form in which it is. Now, may I point out that decision was taken after full consideration. Even now there are circumstances where we come across wealth or resources that a particular officer has with him which cannot be explained by a reference to his legitimate activities or his legitimate earnings. We are still in the midst of a period of time where there is corruption here and there, and corruption has got to be rooted out. For that purpose, that particular presumption which was laid down has to be maintained, and it is necessary.

Without doing any injustice to the other person, it is open to him to show how he acquired that particular money. For example, if his pay is so small, suppose a few hundreds, and the property that he has is not in terms of thousands but sometimes in terms of lakhs, then naturally it does raise a serious suspicion and it is his duty to explain how he acquired it. In this case, we think *prima facie* there are circumstances which cast a serious degree of doubt upon his conduct. Therefore, he is called upon to explain, merely because he has disproportionate wealth to his credit. So, he has to be proceeded against.

There might be legitimate sources of earnings or acquisition of property. Then it is open to him to show and then that presumption will be fully backed or, in terms of law, will be fully rebutted. Hon. Members will kindly note that we have laid down the circumstances or the requirements of a particular case before such a presumption has to be drawn by the court. The conditions are still there. Therefore, there is very great need for having such a presumption under the stated circumstances, as laid down in this Act.

Proceeding further, so far as this law is concerned, we found that there were certain deficiencies in the law. The law requires further tightening up and, as I explained yesterday, it ought to be tightened up on the lines that I have pointed out here.

One or two hon. Members suggested that the minimum punishment ought to be two years in the case of conviction of a Government servant or a public servant. May I point out that one year has been considered as fairly heavy sentence, so far as imprisonment is concerned? In such cases, Government are of the view, administration has to be carried on strongly but not necessarily in a spirit of vindictiveness. In answering some of the points I have always felt that if, for example, to check a particular evil we have to take recourse to certain measures, then is it necessary for us to take any measures that we like? I should like to point out that it is not so. A Government, a civilised government and a democratic government, have to follow civilised methods to the extent it is possible.

An hon Member—I believe Shri Ranga—just now suggested that we should have a very quick procedur for the disposal of these cases Mr Tyagiji also contended that the procedure should be at least quickened and a number of stages should be eliminated. May I point out that there are certain difficulties which stare us in the face? As I stated we are a civilized and democratic government We have to follow certain methods which partake of these two qualities of a government Now, is it possible summarily to come to the conclusion when a case is started or when a enquiry is started? It may be a *prima facie* case, and sometimes it might be strong also One of the fundamental principles of fairplay and justice is that the other man should be given an opportunity to have his say in regard to the charge against him You are aware that in the Constitution itself it has been laid down that he must have an opportunity to meet the charge against him. Article 311 (2)

[Shri Datar]

in particular has to be noted in this connection.

Shri Tyagi complained, and to a certain extent rightly complained, that the procedure was sometimes complicated. But, in order to do justice to the other party, we have to go through such a procedure which is complicated to a certain extent, but which we are trying to simplify to the extent possible. For example, it was pointed out that the enquiry took long and that the officer who was appointed, is an executive officer, sometimes had to go through a training for holding an enquiry. All these objections have been taken into account. May I point out, here that so far as such offences or such departmental actions at Delhi are concerned, we have got a Special officer appointed for this purpose Since the appointment of such a Special officer, the whole matter is being disposed of as early as possible, within the shortest period, without necessarily undermining the principles that I have pointed out fairplay and equity to the other party One of the principles is that you have to do justice even to the devil assuming that he is a devil Therefore, we are bound by these rules and to a certain extent, they are fair rules also

Then it was pointed out by Shri Tyagi that no subsistence allowance, etc should be given as soon as a man is suspended. Suspension, you will find, is the first stage of action by the Government after they find that there is *prima facie* case for an enquiry It is quite likely that in a number of cases this suspension, the *prima facie* case that is before us may be proved to be unfounded Under these circumstances, something has got to be given and the amount that is given is a small subsistence allowance, about onefourth of the pay that he is drawing.

Ordinarily, such cases do not take long. But, when they take longer, that is on account of circumstances which are beyond our control. As early as possible, we take action. In this respect, my hon. friend Shri Raghubir Sahai yesterday also stated that we must do something to finish this matter. I wish he knew the difficulties that we have, being a lawyer himself. He made reference to a particular case, a case of a very high officer who was suspended. An enquiry was held in his case, prosecution was launched and only recently, the highest court of Indian judiciary has confirmed the conviction against him. May I point out here that the time that has elapsed is not due to any action or inaction on the part of the Government. The moment that Government found that there was a *prima facie* case, immediately they ordered an enquiry. An enquiry or investigation has to be done After, as I stated, they found that the case was *prima facie* fairly strong, they suspended him May I point out to my hon friend, in all such cases, if there is any delay on the part of the Government in coming to a conclusion then the Government are entitled to be blamed But, in this case immediately we took action and the man was suspended Suspension, you will find, is the first overt act that the Government can take after they come to a *prima facie* conclusion that an officer has committed an offence or serious irregularity Immediately the Committee of enquiry was appointed and the moment the report of the Enquiry officer was before Government, the Government took the next action, namely, dismissing him from service. He was one of the seniormost officers, an I.C S officer May I point out to my hon friend Shri V P Nayar in particular that the Government is not a respector of persons especially when they commit wrong acts? Immediately, the officer was dismissed.

Government found that dismissal was not an adequate remedy so far as the nature of the offence that he had committed was concerned. In such serious cases where there is a serious degree of moral turpitude, the

public ought to know that the Government do take strong action and the other officers ought to know that the Government would not tolerate or condone such action. Therefore, the Government prosecuted the officer. In the Session Court, as you are aware, a small punishment was given to him, not large. The matter was taken up before the High Court and the Government moved for enhancement of the sentence. The High Court came to the conclusion that the sentence ought to be enhanced. Then, naturally, he went up to the Supreme Court and in the highest court of the land, only recently, a few weeks before, that sentence has been confirmed He has to go to the jail

If all these points are taken into account, may I point out in all humility, the Government cannot be charged either with a desire to save any officer or with a desire to procrastinate the matter as much as possible The Government are anxious to take proper steps I may, in this connection, bring to your notice certain figures which are absolutely eloquent so far as the Government Anti-Corruption machinery is concerned We have got a special machinery in respect of such offences It is known as the Special Police Establishment It has 14 branches at present in all the important cities of India because Central Government servants are spread over the whole continent of India. In addition, as I have pointed out, we have a Vigilance Division which deals with the question of keeping a vigilant eye upon the activities of all Government servants and in particular upon those whose conduct is suspicious, who are likely to go astray. That also has brought in very good results.

Shri D. C. Sharma (Gurdaspur): Are we sure that the officers of the Special Police Establishment and the Vigilance Division are fair and above board?

Shri Datar: They are. If the hon. Member has any allegation or any suspicion, let him give it to me. May I point out here, whenever hon. Members of Parliament make any complaint, we request them to see to it that, at least *prima facie*, the particular contentions or allegations are true. In all these cases, we do make an independent enquiry. Therefore, my hon. friend was entirely wrong in saying that no action was taken whenever any complaint was made or whenever certain circumstances were brought to the notice of the Government. Government are always responsive and whenever any complaints come from Members of Parliament or even from the public, in all such cases where it appears that there is something wrong, Government always make enquiries.

Yesterday, it was contended that figures had not been placed before Parliament I may point out that every year, we place before Parliament the various figures regarding the activities of the S P E May I, in this connection, bring to the notice of the House the figures from 1952 to 1957? In 1952, preliminary enquiry was made respect of 337 offences while in 1957, preliminary enquiry was made in respect of 578 cases Out of these cases, investigation was conducted after preliminary enquiry in as many as 483 cases After the Government are satisfied that something has got to be done that something has gone wrong, the Government proceed through a departmental enquiry or prosecute the offender or do both May I point out in this connection that in the year 1957, 282 cases were placed before the court for prosecution. Out of them, 215 have till now been decided, and in 145 cases there has been a conviction. Thus you will find that even so far as prosecution is concerned, Government are taking active steps, and they are being taken not only in respect of the lower classes of officers. Some hon. Members contented that Government take action only against the subordinate staff and do not check or take action against what they call the big fish. Government are entirely uncon-

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cerned whether it is the small fry or the big fish so long as a wrong action has been committed. In all these cases we took proper action in respect of Gazetted officers as well as non-gazetted officers.

15 hrs.

Up to the end of 1957, a number of cases had been enquired into and certain cases had been put in court as well. In the year 1957, 360 preliminary enquiries had been made, and 299 regular cases had been instituted involving a total of 1,037 persons.

In addition to the normal work of the S. P. E., there is also a special branch known as the Enforcement Wing and it deals with certain cases where corruption is to a larger extent going on and has got to be checked. Therefore, there is an Enforcement Wing of the Special Police Establishment which deals with cases relating to import, export cases. There also, in addition to the normal figures, 218 cases were there in which preliminary enquiries were made, and 184 regular cases were started involving 545 persons. Naturally these cases under these laws are not only against the Government officers, but against others, businessmen and others who are privy to the act of corruption. These cases are mostly against businessmen involving cheating, forgery and falsification of accounts.

In 1957, 180 gazetted officers and 694 non-gazetted officers were involved in these enquiries. As a result of cases sent up to court for trial, six gazetted officers and 78 non-gazetted officers were convicted by courts; 247 other Government servants were punished departmentally. Of these, 8 gazetted officers and 34 non-gazetted officers were either dismissed or removed from service; 18 gazetted officers and 167 no-gazetted officers were otherwise punished departmentally.

From what I have stated above, you will find that Government are extremely serious, and they desire to attack this evil on all fronts. I would not accept the proposition certain hon. Members have made that corruption is on the increase. What is on the increase is the exposure of corruption, and wherever it comes to the notice of Government, proper action has been taken.

My friend Shri Tyagi pointed out the proper and salutary principle that ought to guide our action in this respect. May I point out to him that so far as what he called the complicated nature of such cases is concerned, that is also a matter where to the extent possible, consistent with the requirements of fairplay, the matter has been simplified and necessary action taken? But after all, we are guided by certain principles, especially by the provisions of the Constitution, and unless there is a change in the provisions relating to this subject in the Constitution, it is not possible to make short work of the whole procedure. It is not possible, as my friend put it, to dismiss them merely because we come to the conclusion that *prima facie* there is strong suspicion. Strong suspicion is no ground for any action in a court of law, and even where there is no court of law as such, we have got departmental enquiries which have to be based on the spirit of the fundamental principles of justice and equity, though we need not be governed by the technical rules which sometimes hamper justice. Therefore, either through prosecutions or through departmental enquiries, it is open to us to take action, and Government are taking action whenever it is necessary.

The question that my hon. friend Shri Tyagi has raised, as to whether the scope of the departmental enquiries should be enlarged and the scope of prosecution brought down, is a matter which has another side also which should be taken into account. As I have pointed out, in grave or serious cases the matter has got to go to the courts and the officer must be

publicly dealt with, and in proper cases he ought to be punished not merely with certain departmental punishment like dismissal or stoppage of increment etc; if the matter is so serious that in the interests of society and the purity of administration the man must be treated as an offender, as a criminal under the criminal law, he must undergo the punishment either of fine or punishment. The fear of this law is absolutely essential so far as such erring officers are concerned, and therefore Government are anxious that in proper cases there ought to be prosecutions It is not proper merely to deal with the matter departmentally because the worst that we can do against him would be his dismissal, but if for example he has got a lot of money not earned in a proper way, naturally he would not mind his dismissal, he might not even face the public In such cases proper action has to be taken because the administration should be pure, because those who have not actually erred but are on the way of erring ought to be warned that in case they carry on such nefarious activities, they are liable not only to departmental action but to punishment under the criminal law, under the penal law, because it is an offence of the worst type

My friend Shri Bharucha made out a point that whenever there are such offenders whose offence has been proved, they ought not to be dealt with leniently. I agree with the principle of what he has stated, viz., that they should not be let off either on admonition or on probation, but the amendment that he has moved has to be put in properly, as this Bill deals with the amendment of certain Acts which prescribe punishment, and therefore I have made a formal amendment to what he has stated.

I think I have dealt with all the points.

Shri Vajpayee (Balrampur): On a point of information. Can the hon. Minister give us the total number of cases in which Government servants have successfully sued members of the public for defamation?

Shri Datar: The question of defamation is entirely different from corruption.

Shri Vajpayee: No, Sir.

Shri Datar: At least so far as this is concerned I have not got those figures. If the hon Member tables a question, I shall certainly give the information.

Shri V. P. Nayar: I raised the point that the law as brought before us does not cover cases of corruption outside those which have in some way or other some connection with the receipt of money I said that corruption as it commonly understood does not merely consist of such cases, but also includes cases like nepotism, favouritism etc. I just wanted to know whether Government have thought of this. The hon Minister was just now saying that I made a wild allegation without substantiating it If that is the position taken up by Government, I can offhand give him, with your permission, ten or fifteen instances of highly placed officers having used their influence in such a position to fix up their in-laws, their.....

Mr. Deputy-Speaker: I will advise him to keep those things in reserve for the present.

Shri Datar: I shall touch one more point. It was contended by Shri Shree Narayan Das that trading corporations could be established only by a Central Act. So far as that question is concerned, we have examined it. The position is not as he has stated, but in order to provide against any doubt in this respect, I have given notice of an amendment to a certain extent on the lines that he has suggested, but in other respects we have brought it on the same principle.

Mr. Deputy-Speaker: The question is:

> "That the Bill further to amend the Indian Penal Code, the Prevention of Corruption Act, 1947,

[Mr. Deputy-Speaker.]

and the Criminal Law Amendment Act, 1952 be taken into consideration."

The motion was adopted.

Clause 2—(*Amendment of section 21, Act 45 of 1860*)

Shri Shree Narayan Das (Darbhanga): I beg to move:

(i) Page 1, lines 9 and 10—

for "of a trading corporation established by a Central, Provincial or State Act" *substitute*:—

"of a trading corporation established by a Central Act or of other trading organisations established by a Central, Provincial or State Act".

(ii) Page 1, line 9—

for "corporation" *substitute* "organisation"

Shri Datar: So far as clause 2 is concerned, I have two amendments Nos. 23 and 24.

I beg to move:

(i) Page 1, line 9—

for "a trading corporation" *substitute* "a corporation engaged in any trade or industry which is".

(ii) Page 1, line 14—

for "trading corporation" *substitute* "corporation engaged in any trade or industry".

Pandit Thakur Das Bhargava: I beg to move:

Page 1, line 8,—

for "officer" *substitute* "person".

Mr. Deputy-Speaker: All these amendments are before the House.

Pandit Thakur Das Bhargava: The hon. Minister will kindly see that in the definition given in section 21 of the Indian Penal Code, it is said:

"*Fourth*: Every officer of a Court, of Justice whose duty it is, as such officers, to investigate or report.. " etc.

The duties are given. Similarly.

"*Eighth*: Every officer of the Government whose duty it is, as such officer, to prevent offences..." etc.

"*Ninth*: Every officer whose duty it is, as such officer, to take, receive..." etc.

Thus, we find that where the word "person" is not used and the word "officer" is used, his duties are defined. In clause (2) it is said:

"Every officer in the service or pay of a local authority or of a trading corporation...' etc.

We do not know who an officer is, because there are persons who are not officers as such. Because we do not know the definition of an officer, it is difficult to predicate any officer that he is an officer unless his duties are defined So, if the duties are defined, there may be no difficulty. Or, you must use the words "persons in the service or pay of a local authority. ..." etc. Something like that must be done; otherwise, this remains equivocal and confusing as to what person is meant by an officer. This is the purpose of my amendment.

Shri Shree Narayan Das: The amendments I have put forward are meant only to clarify certain things contained in clause (2). Item 43 of List I of the Seventh Schedule to the Constitution reads:

"incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations

but not including co-operative societies."

This indicates that no incorporation or regulation of any corporation can be made under any State Act. As it is, clause (2) wants to bring under the purview of the I.P.C., officers or persons in the service of pay of a trading corporation established by a Central, Provincial or State Act., Before the Constitution came into force, some of the States might have established corporations, just as in the native State of Mysore. After the Constitution came into force, no State is entitled to establish any corporation except under a Central Act. I know that there is some State Corporation Act passed by Parliament and under that some corporations have been established by the State Governments. I, therefore think that the wording of this clause should be clarified At present it appears that the trading corporations set up under a State Act will come within the purview of this. But with the enforcement of the Constitution, no State Government is authorised to establish a corporation Therefore, in my amendment, I have suggested that the wording of the clause might be changed as:

> "of a trading corporation established by a Central Act or of other trading organisations established by a Central, Provincial or State Act".

I think this will make the object of this clause clear.

Besides corporations, as has been given in the explanation, the Central Government has established so many undertakings by some resolution and not under a Central Act, for instance the Khadi Commission. A large number of workers are working under the Khadi Commission. In order to bring those persons under the purview of this Act, I think the wording should be made clear. So far as corporations are concerned, it is clear. But there are other organisations and undertakings besides public companies and a large number of persons are working in them. Therefore, my idea in putting my amendment is twofold. One is to make clear that the trading corporations as stated in item 43 of List I, will come under the purview of this Act. Then, there are certain organisations established by the Central Government or the State Governments. They may not be called corporations, but they are State undertakings and the persons working in them should also be brought within the purview of this Act That is the purpose of my amendment No 9.

The next amendment is an alternative amendment, by which I have suggested the word "organisation" for "corporation". If this is accepted, not only the persons working in the corporations, but those working in all the State undertakings, boards or commissions appointed by the Central Government or the State Governments will come within the purview of the Act. If this amendment is accepted, it will make clear the idea envisaged in this clause.

With these words, I commend my amendments for the acceptance of the House.

Shri Datar: Two points were raised, one by Shri Bhargava and the other by Shri Shree Narayan Das. So far as Shri Bhargava's amendment is concerned, may I point out that in the very section of the Indian Penal Code which we are now amending by addition, the words "Government servant" have been used wherever necessary instead of the definition of "public servant". Secondly, we have a recent ruling of the Supreme Court where it is started that "officer" includes "person" which he has in view. I need not quote that ruling here. The very point that he has made has been fully met in the judgment of the Supreme Court dated 21st September, 1957. The true test in order to determine whether a person is an officer of the Government is

[Shri Datar]

whether he is in the service or pay of the Government and whether he is entrusted with the performance of any public duty. Therefore, for the purpose of clarification of any possible ambiguity that might arise, it is better to maintain uniformity of expression, namely, "Government servant" wherever it is. Otherwise, the difficulty is likely to arise that perhaps advantage might be taken of the use of the words 'Government servants' in one place and 'person' in the other. Therefore, we are following this practice.

So far as the other point is concerned, I may point out that in the Constitution there are two different entries. One is entry No. 43 in List I which says:

> 'Incorporation, regulation and winding up of trading corporations, including banking, insurance....'.

In List II also, there is entry No. 32 which reads:

> "Incorporation, regulation and winding up of coporations, other than those specified in List I . . .'

Thus, it would be found that there might be corporations which come under a Provincial Act. So far as the Constitution is concerned, it has come into operation only in 1950. But under the earlier Acts, either of the Central Government or of the Provincial Governments, there might be corporations here and there. Under these circumstances, it is not necessary to have the amendment suggested by the hon. Member.

Secondly, the hon. Member has stated that the word 'organisation' should be used. May I point out that the word 'corporation' has a specified meaning? That is the reason why the word 'corporation' has to be retained. Secondly, in law, a corporation is a juridical person. Therefore, an objection is likely to be taken that even though it is a government corporation, still, inasmuch as it is a different person, in law, from Government, this particular penal law might not apply. For these reasons I cannot accept these amendments, though I have accepted some of the points underlying these amendments.

Shri Dasappa (Bangalore): What about the officials of the various boards like the Silk Board, the Arecanut Board and so on?

Shri Datar: They do come under the definition. In section 21, the ninth clause reads:

> "...and every officer in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty.".

That would cover all these cases.

Mr. Deputy-Speaker: I shall now put amendments Nos. 9 and 10 by Shri Shree Narayan Das to vote.

Shri Shree Narayan Das: I am not pressing them and want to withdraw them.

The amendments were, by leave, withdrawn.

Mr. Deputy-Speaker: I shall now put amendment No. 8 to vote.

The question is:

Page 1 line 8 —

for "officer" *substitute* "person".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 1, line 9, *for* 'a trading corporation' *substitute* 'a corporation engaged in any trade or industry which is'.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 1, line 14, *for* 'trading corporation' *substitute* 'corporation engaged in any trade or industry'.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 2, as amended, stand part of the Bill".

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3—(*Amendment of Act 2 of 1947*).

Mr. Deputy-Speaker: So far as the amendments to this clause are concerned, I would like to say that amendment No. 21 is out of order.

Shri Tangamani (Madurai): I beg to move:

(i) Page 2, line 4—

after 'commits' *insert* 'or attempts to commit or abets in committing'.

(ii) Page 2—

after line 20, *add*:

"(2B) Notwithstanding anything contained in any law for the time being in force, the property of the accused person who has committed the offence of criminal misconduct may be attached by the order of the Special Judge".

(iii) Page 2—

after line 31, *add*:

"9. Notwithstanding anything contained in any law for the time being in force or any departmental order, an employee giving information leading to the prosecution for criminal misconduct will be adequately protected from departmental or other actions.".

Shri Kasliwal: I beg to move:

Page 2, lines 10 and 11—

omit 'refrain from imposing a sentence of imprisonment or'.

Shri Naushir Bharucha: I beg to move:

Page 2—

after line 20, *add*:

"(2B) Notwithstanding anything contained in such law, any law dealing with release of offenders on probation or after due admonition and matters connected therewith, shall not apply to any person tried under this Act or to any proceedings thereunder.'.

Pandit Thakur Das Bhargava: I beg to move:

(i) Page 2—

after line 20, *insert*:

"(aa) sub-section (3) of section 5 shall be omitted;".

(ii) Page 2—

after line 20, *insert*:

'(aa) in sub-section (3) of section 5,

(i) for the words "the Court shall presume unless the contrary is proved" the words "the Court may presume" shall be substituted; and

(ii) the words "and his conviction therefor shall not be invalid by reason only that it is based solely on such presumption" shall be omitted;'.

Shri Raghubir Sahai: I beg to move:

Page 2, line 8—

add at the end 'or confiscation of property'.

Shri Jadhav (Malegaon): I beg to move:

(i) Page 2, lines 6 and 7—

for 'one year' *substitute* 'two years'.

(ii) Page 2, line 12—

for 'one year' *substitute* 'two years'.

Shri Shree Narayan Das: I beg to move:

(i) Page 2, lines 6 and 7—

for 'one year' *substitute* 'three years'.

(ii) Page 2, line 7—

for 'seven years' *substitute* 'ten years'.

Mr. Deputy-Speaker: These amendments are now before the House.

Shri Kasliwal: My amendment seeks to delete the words 'refrain from imposing a sentence of imprisonment or' from the proviso to the proposed sub-section (2) of section 3. I am unable to understand the appearance of these words in clause 3(a). Yesterday, the Minister spoke at length about the tightening of these corruption laws. Hon Members who have spoken yesterday and today have also spoken in the same strain Besides, some of them have gone so far as to say that merely tightening these laws is not enough, but that some other steps for the eradication of corruption have also to be taken.

If you will kindly read the notes on clauses, you will find how the inclusion of these words in the proviso is not merely contradictory to the clause itself but is totally against the letter and the spirit of the clause The note on clause 3(a) says:

> "Experience has shown that there is a tendency among the courts to deal too leniently with public servants convicted under the Prevention of Corruption Act ....Sub-clause (a) of clause 3 will result in ensuring that adequate punishment is awarded in cases of proved corruption.".

Clause 3(a) reads:

> "Any public servant who commits criminal misconduct in the discharge of his duty shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and shall also be liable to fine;".

Immediately following this, we have the following proviso:

> "Provided that the court may, for any special reasons recorded in writing, refrain from imposing a sentence of imprisonment or impose a sentence of imprisonment of less than one year.".

So, you will see that these two things are completely contradictory. Previously, the position was that a sentence of imprisonment extending to seven years or fine or both might be imposed. But now under clause 3(a) while you are providing for a compulsory imprisonment, at the same time, you are taking it away by saying that for any special reasons to be recorded in writing, the court may refrain from imposing the sentence of imprisonment With all respect to the Minister, I would say that it is ridiculous that on the one hand, he is blowing hot, and on the other, he is blowing cold For, he is saying that a sentence of imprisonment extending to seven years is compulsory; at the same time, he is also saying that for special reasons to be recorded in writing, the court may refrain from imposing the sentence.

Shri Tyagi: Or impose a sentence of one year

Shri Kasliwal: That is a different matter, to which I shall come presently I am referring now to the first part of the proviso.

The second part of the proviso is 'or impose a sentence of imprisonment of less than one year'. I can understand that in a special instance, a sentence of less than one year may be imposed. Supposing there is an old man or a very sick man, the court may say that in view of his health, it will impose a sentence of one day's simple imprisonment or seven days' imprisonment. But if the phrase 'refrain from imposing a sentence of imprisonment' remains, then, he can altogether go scot-free so far as imprisonment is

concerned. If it is the view of the Minister that the laws should be tightened, then there must be the sentence of imprisonment. Let it be even one day; let it be till the rising of the court. The person who is guilty of corruption cannot escape scot-free Mere imposition of fine will not do Some kind of social obloquy must be attached to the person guilty of corruption. It is this view which my amendment seeks to clarify If the hon Minister accepts the principle of his Bill, he should accept my amendment and delete these words 'refrain from imposing a sentence of imprisonment or'.

Shri Tyagi: Yes, yes

Shri Naushir Bharucha: I am extremely grateful to the hon Minister for having said that he is accepting in substance the amendment which I have moved to the effect that the law regarding the release of offenders on probation or after admonition should not be applied to this legislation I have been able to see a copy of the Government's amendment There is no difficulty so far as the substance is concerned, but if we simply incorporate the Government amendment in this Act and say that nothing in any law....

Mr. Deputy-Speaker: What would be the effect—we shall have to take care of that—if the Bill contains a provision—'Notwithstanding anything contained in any other law'?

Shri Naushir Bharucha: That is exactly what I am saying If we exclude that measure, still that Act would be applicable unless we incorporate here a special clause whereby it is specifically provided that it is excluded and shall not apply. In order to guard against this position, I have framed my amendment accordingly, which says:

> "Notwithstanding anything contained in such law etc.".

The law here refers to the Probation of Offenders Act. That was why I had drafted my amendment in this way. It is immaterial how the purpose is secured.

Shri Datar: Did the hon. Member see my amendment? I am moving amendments Nos 25 and 26. They relate to clause 4 The object is to meet his point of view.

Amendment No. 25 reads.

> "In page 2, for lines 32-33, substitute—"4 In the Criminal Law Amendment Act, 1952, in section 8—(a) after sub-section (3), the following sub-section shall be inserted".

Amendment No 26 is as follows

> 'In page 2, after line 39, insert—(b) in sub-section (4), insert the following at the end—"and notwithstanding anything contained in any law for the time being in force, no such person shall be released on probation or after due admonition"

Mr. Deputy-Speaker: Would there not be a conflict between the 'notwithstanding' here and the same phrase there? Therefore, in that law we shall have to provide—unless specifically excluded in any law

Shri Datar: The Bill has to become law still.

Mr. Deputy-Speaker: But we shall have to take care of that

Shri Naushir Bharucha: In order to avoid that conflict, I am putting down these words:

> "Notwithstanding anything contained in such law"—meaning the Probation of Offenders Act—"any law dealing with release of offenders on probation....shall not apply...."

Therefore, either this may be accepted or, if the Government draft is accepted, as you rightly pointed out, it will have to be incorporated in some clause to avoid conflict of law. It is immaterial how the purpose is achieved because I am satisfied that the substance of my amendment is accepted.

[Shri Naushir Bharucha]

Another point, referred to in the amendment of my hon. friend, Shri Kasliwal, is very important. If we are going to provide for a minimum sentence, what is the sense in saying that if the court thinks, it may refrain from imposing a sentence of imprisonment? The whole thing is absurd. Either be firm about it or leave it to the discretion of the court. In the Notes on clauses, they say that the magistracy cannot be trusted because they are likely to be too lenient. Therefore, the amendment moved by Shri Kasliwal, which is the same as amendment No. 15, should be accepted.

Shri Tyagi: We all support it.

Shri Tangamani: In moving my amendments, particularly No. 12, I had the purpose of making it a complete thing, because criminal misconduct in the discharge of duty is a new offence defined in section 5 of the Prevention of Corruption Act, because already certain sections in the Indian Penal Code have sought to take away abetment which has again to be brought in. I thought by way of abundant caution attempts to commit criminal misconduct also may be included.

As has already been pointed out criminal misconduct, which is not by definition exhaustive, deals with illegal gratification. It also deals with accepting any valuable thing without consideration and also corrupt and illegal practices.

If the purpose of this legislation, namely, to tighten up the machinery and also bring in more deterrent sentences, is to be accepted, that I suggest that the amendment of Shri Kasliwal for deletion of 'refrain from imposing a sentence of imprisonment or' should be accepted. As pointed out by the previous speaker, if this provision is included there, the very purpose of a deterrent sentence is lost. To add to this deterrent sentence, I have moved amendment No. 18 which reads:

> "Notwithstanding anything contained in any law for time being in force, the property of the accused person who has committed the offence of criminal misconduct may be attached by the order of the Special Judge".

The Special Judge has got magisterial powers by virtue of clause 4 and when trying a person accused of criminal misconduct, he must have the power to attach his property if he is proved guilty.

The last point—which is not the least important—relates to my amendment No. 22 which reads:

> "Notwithstanding anything contained in any law for the time being in force or any departmental order, an employee giving information leading to the prosecution for criminal misconduct will be adequately protected from departmental or other actions".

In moving this amendment, I have in mind certain instances which I can cite from the State of Madras. There was a case where certain charges were brought against an important official in one of the river valley projects. The subordinates who brought these charges have finally been placed under suspension. My latest information is that their Services have been dispensed with. Yesterday, Shri V. P. Nayar dealt with the corruption inquiry in connection with goods at the Hawrah station. The employee who gave the information, which led to the prosecution of this officer, has now to face the question of suspension. He may have to face a departmental inquiry, while the person against whom he had brought the charge will be the person holding that inquiry. Such instances could be multiplied. I do not want to exonerate those people who really commit an abetment of the offence. Instead of that we must exonerate those good citizens who would like to help in detecting corruption. Then only honest officers would be in a position to go about without suspicion of being watched and the subordinates who want to

bring down corruption will be encouraged. I submit that my amendment is in conformity with the spirit of the amending Bill which has been brought forward and I commend this amendment.

Pandit Thakur Das Bhargava: So far as my two amendments, Nos. 19 and 20 are concerned, I shall with your permission read out the first presumption:

> "In any trial of an offence punishable under sub-section (2) the fact that the accused person or any other person on his behalf is in possession, for which the accused person cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income may be proved, and on such proof the Court shall presume, unless the contrary is proved, that the accused person is guilty of criminal misconduct in the discharge of his official duty and his conviction therefor shall not be invalid by reason only that it is based solely on such presumption."

If you read the four sections (a), (b), (c) and (d) which form part of the offence of 'criminal misconduct', you will see there are several ingredients which must be proved before a person can be held guilty of such an offence. For instance, it reads, 'habitually accepts or obtains or agrees to accept or attempts to obtain....any gratification'. If there is a presumption and the presumption is proved, then the prosecution need not prove that the accused habitually accepts or obtains any illegal gratification, (c) says 'dishonestly or fraudulently misappropriates or otherwise converts for his own use'. Even this may not be proved. The ingredient in (d) also may not be proved. So that, no bribe may be proved to have been paid or nothing may be proved. The only thing is that he cannot account satisfactorily for his pecuniary resources. If there is a conviction only on this presumption, the conviction must be maintained. Such a violent presumption out of all proportion to the proved fact cannot even be imagined.

I gave the example and with your permission I say just repeat it though brevity will be violated to some extent. A person may be proved to have been in London on the day the bribe is said to have been passed in Delhi. He may not have obtained anything. Nothing might has been done. Yet the presumption is there. He will be guilty solely on that presumption of criminal misconduct. There may be a departmental enquiry. You may do anything you like. But to prove an offence, some ingredient must be proved. Is the fact that I am unable to account for my wealth is that fact alone enough? It is absurd.

In particular circumstances or emergencies, we have gone off our feet and we make laws which cannot stand the scrutiny of reason. But there must be a limit. I cannot think or any case in which nothing incriminating may be proved and yet I may be guilty of this thing. The time has come when we must see things in their proper perspective.

I have, therefore, proposed that this sub-section may be taken away because in all the other offences we have not got the presumption like this. The possession of stolen property gives rise to certain things. The provision is not like that there. Only for bribery such a violent presumption is there; it is unjustified. Therefore, I have proposed that it may be taken away. If it is not taken away, the other ingredients cannot be of any use. There are individual offences under (c) and (d). I have submitted that if the other circumstances are proved, along with that the court may take this into account. I am agreeable to that. I have, therefore, divided it into two parts alternatively. Instead of 'shall' presume, the word shall be 'may' presume

[Pandit Thakur Das Bhargava.]

Only on this conviction is not possible because presumption, according to the legal maxim, is not proof.

I am sorry the attention of the Hon. Minister has been diverted else is here.

Mr. Deputy-Speaker: There is so much commotion and my advice is not heeded.

An Hon. Member: The Ministers are moving.

Pandit Thakur Das Bhargava: If at this time the hon. Minister cannot agree because he is busy with other matters, I would respectfully ask him to consider this question dispassionately. This should not be in normal *times. I do not say that there is no* corruption here. I only said that the circumstances that existed in 1947 where there was a bribery of 565 lakhs and 1,100 cases were there and that time had gone. Things are quite different now. We did not object to it then. There is no reason why we should perpetuate that law which on the face of it looks absurd. It may go to a superior court and it may find that this presumption is not *intra vires* the Constitution. I will withdraw the amendment this time if he likes me to do so but I want this to be looked into by him.

There are two other points and others have already drawn your attention. I understand that he is accepting Shri Kasliwal's amendment. I am happy.

Mr. Deputy-Speaker: He has not said so. Perhaps the hon. Member is judging from the movements that are taking place.

Pandit Thakur Das Bhargava: From his manner, I conclude he is agreeable. I have done cases in court. Only for one rupee five people have gone to the higher courts paying their fees and seen that they were acquitted. People are still respectable. Imprisonment has still got a social stigma and a man of this sort who has committed this offence should be punished with imprisonment. If an officer or a magistrate does not want to send a person to jail, he gives the order for imprisonment for a day till the court rises. At the same that man has no stigma.

Further in regard to Probation and admonition I do not want to have a law containing notwithstandings of that law. No law should be subordinate to any other law—even this law should not be suborinate to the Probation or admonition law. My submission is this. The proper course is to have a list of such offences where punishment must be given and no admonition or probation will be *permissible.*

Mr. Deputy-Speaker: That is a different thing. The hon. Member is serving some other purpose now.

Pandit Thakur Das Bhargava: I am anxious in allied laws there must be something as in this law. I want that certain things must be stigmatised as such and imprisonment given. There is no reason why we should have another law in which we may undo what this Parliament wants to do. I would respectfully as the Minister to consider this question.

I submitted the same in regard to section 164 also. These are the two offences which I want to be exempted. I would respectfully ask the Government to reconsider this question.

Shri Raghubir Sahai: In support of my amendment No. 6 I would only say that I want that these words, namely, "or confiscation of property" should be added at the end of clause 3(a) (2).

I only want that the Act should become deterrent and it may have a

very salutary effect which is the objective both of the Government as well as the Members of this House. Yesterday, while the hon. Member was making his speech, he remarked that the object of this amendment which I have moved would be met by the imposition of a very heavy fine. With regard to the realisation of fine, there is a procedure laid down in the Criminal Procedure Code. With your permision, I would just invite the attention of the House to section 386. It says:

> "Whenever an offender has been sentenced to pay a fine, the court passing the sentence may take action for the recovery of the fine in either or both of the following ways."

That is to say, it may issue a warrant for the levy of the amount by attachment and sale of my movable property belonging to the offender. Secondly, it may issue a warrant to the Collector of the district authorising him to realise the amount by execution according to civil process against the movable or immovable property or both of the defaulted.

The proviso to this section is very important. It says:

> "Provided that if the court directs that in default of the payment of fine, the offender shall be imprisoned and if such imprisonment of fine, the offender has undergone the whole of such imprisonment in default, no court shall issue such warrant unless by a special reason to be recorded in writing it considers it necessary to do so."

In the light of this specific section, it is obvious that in many circumstances, the offender will circumvent the realisation of the fine. He would like to undergo the sentence of imprisonment in lieu of the payment of fine. I would just observe that the sentence that is imposed in lieu of fine cannot and will not exceed the original sentence.

Shri Braj Raj Singh: Only one-fourth.

Shri Raghubir Sahai: Only one-fourth. Thank you very much. If the original sentence is one year and according to the hon. Minister the fine imposed is, say, Rs. 5,000, then the court would lay down in its order that in lieu of non-payment of fine, he will undergo three months' imprisonment. One year and three months can be very easily spent in jail and the offender can keep the entire property to himself.

The important object in proposing this amendment is this. The Act may become deterrent a drastic remedy may be taken. It is common knowledge that corruption is rampant. If Government is equally anxious that it should be rooted out, some psychological change should be made in the country. I submit that by introducing these words, the Government will be creating a psychological change. The would be offenders would be terrified that in case they are arrested and put before the courts, the immovable property that they have gained by illegal means would also lapse to the Government. Let that psychological atmosphere be produced. It will be in very rare cases that the court will go to the length of confiscating the entire property

So, I submit that in view of the reasonableness of this amendment of mine, the Government should consider it favourably.

श्री श्रीनारायण दास (दरभंगा) . उपाध्यक्ष महोदय, इस सदन् में शायद ही कोई ऐसा विधेयक आया होगा जिसके ऊपर एक मन से लोगों ने अपनी सहमति प्रकट की हो । जैसे माननीय मंत्री ने अपने भाषण में कहा है कि अभी जो १९४७ के भ्रष्टाचार निवारण कानून में दंड देने की धारा है उस धारा का प्रयोग जिस उद्देश्य से न्यायालय के द्वारा किया जाना चाहिए था, न्यायालय ने किया है लेकिन

[श्री श्रीनारायण दास]

जो उद्देश्य कानून बनाने वालों का था कि सख्त से सख्त सज़ा दी जाय । ताकि दूसरे लोग भी उस से डर कर के भ्रष्टाचार न करें, उस उद्देश्य की पूर्ति नहीं हुई है । इसीलिए आज सरकार की तरफ़ से सन् १९४७ के भ्रष्टाचार निवारण कानून की जो दंड देने वाली धारा है, उसको सख्त करने की कोशिश की गई है । यह ठीक है कि दंड देने का जो विधान है, उसको इसी आदर्श को सामने रखकर करना चाहिए ।

उपाध्यक्ष महोदय, अभी सदन् में लोगों ने बताया कि हमारे देश में भ्रष्टाचार बहुत बढ़ गया है । मैं इस से पूरी तरह सहमत नहीं हूं । भ्रष्टाचार बढ़ा है या नहीं बढ़ा है इसकी कोई माप नहीं है लेकिन मैं इतना समझता हूं कि जब से सरकार ने कल्याणकारी कार्य को अपने हाथ में लिया है और हमारी स्टेट केवल एक पुलिस स्टेट होकर नहीं रह गई है, यह कल्याणकारी स्टेट होने जा रही है और हम विभिन्न कार्यों और योजनाओं पर करोड़ों और अरबों पये शासन के जरिए खर्च करते हैं, अब ही भ्रष्टाचार बढ़ा है या नहीं बढ़ा है, इसकी तो मुझे जानकारी नहीं है लेकिन यह बात जरूर है कि अब भ्रष्टाचार का मौका बहुत बढ़ गया है । पहले सरकारी कर्मचारियों की तादाद मैं समझता हूं कि करीब २ लाख रही होगी जब कि अब सरकारी खजाने से तनख्वाह पाने वाले लोगों की तादाद करोड़ में होगी । आज करोड़ों लोग विभिन्न संस्थानों में, नदी घाटी योजनाओं में और फ़र्टिलाइज़र फ़ैक्टरी और न जाने किन किन कामों को जिनको कि सरकार ने अपने प्रबन्ध में लिया है, उन में लगे हुए हैं और इसलिए मैं ने कहा कि अब पहले से भ्रष्टाचार करने का मौका अधिक हो गया है । भ्रष्टाचार करने की प्रवृत्ति जसे पहले ही थी वह अब भी मौजूद है । लोगों में नाजायज तौर से पैसा कमाने की प्रवृत्ति विद्यमान है । इसलिए सरकारी कर्मचारी चाहे वे कचहरियों में काम करते हों चाहे यहां केन्द्रीय सचिवालय में काम करते हों और चाहे किसी योजना में जो कि देश के किसी कोने में चल रही हो, वहां पर काम करते हों, सब जगहों पर कुछ काम करने वालों की प्रवृत्ति एक ही है कि नाजायज़ तौर से अगर कुछ मिल जाय तो ले लो भले ही समाज उसको बुरा समझता हो । जब से सरकार ने तमाम बड़े-बड़े कामों और छोटे-छोटे कामों को अपने हाथ में लेकर करना शुरू किया है तब से तमाम जनता में यह बात घर कर गई है कि भ्रष्टाचार बढ़ गया है । मेरे ख़याल से कांग्रेस ने जब से देश के शासन की बागडोर अपने हाथों में सम्हाली है, भ्रष्टाचार नहीं बढ़ा है । लेकिन चूंकि उसने अपने कार्यक्षेत्र को बहुत अधिक बढ़ा दिया है और जहां पहले कुछ लाख लोग काम करते थे वहां अब करोड़ों लोग काम करते हैं और उस हिसाब से जहां हजार केस अगर होते थे तो अब दसियों हजार और लाख तक की नौबत आ गई है और उस से जनता को यह मालूम होने लगता है कि पहले से भ्रष्टाचार बढ़ गया है हालांकि यह बात नहीं है । जनता जब यह देखती है कि सरकार द्वारा चलाई जाने वाली छोटी-छोटी योजनाओं में भ्रष्टाचार होता है और बड़ी-बड़ी नदी घाटी योजनाओं में करोड़ों रुपये का अपव्यय हो गया तो उसको चिन्ता होती है और उसका ऐसी चिन्ता करना स्वाभाविक है । इसीलिए जनता चाहती है कि सरकार भ्रष्टाचार निवारण के लिए सख्त से सख्त कानून बनाये । जनता उसका समर्थन करेगी ।

16 hrs.

उपाध्यक्ष महोदय : अब सदस्य साहब मुख्तसिर में अपनी बात कह दें क्योंकि हम पहले ही ज्यादा वक्त ले चुके हैं ।

श्री जीनाराव्यण दास : मैं चाहता हूं कि इस कानून में जो अधिक से अधिक सात वर्ष की सजा रखी गयी है उसको दस वर्ष कर दिया जाये और कम से कम एक वर्ष है उसको तीन वर्ष करना चाहिए। इस बात की अहमियत को बतलाने में कुछ समय लगेगा। अगर आप की आज्ञा हो तो मैं कहूं कुछ।

उपाध्यक्ष महोदय : एक वर्ष का तीन वर्ष और सात का दस वर्ष चाहे हो जाये लेकिन चार का पांच न हो जाय। आप अपनी बात कहें।

श्री जीनाराव्यण दास : तो मैं यह कह रहा था कि जनता चाहती है कि इस सम्बन्ध में सख्त से सख्त कानून बने। कुछ वर्ष पहले हमने अपने दंड विधान से ब्लिपिंग का दंड हटा दिया लेकिन कंट्रोल के जमाने में जब ब्लैक मार्केटिंग जोरों से चलता था और भ्रष्टाचार देखने में आता था तो जनता यह कहती थी कि ब्लैक मार्केटियर को पकड़ कर चौराहे पर चाबुक लगाये जायें। लोगों का यह खयाल हो गया है कि रिश्वत लेने वाले कानून की पकड़ में नहीं आते हैं और जो भ्रष्टाचार करने वाले हैं वे भ्रष्टाचार करते चले जाते हैं और लोगों को कुछ इस तरह की आशंका है कि सब के सब लोग जो राज काज चलाते हैं वे भ्रष्टाचार में पड़े हुए हैं। इसलिए आज जब मौका आया है तो जरूरत इस बात की है कि दंड की धारा को सख्त किया जाय। इस बिल में कम से कम एक वर्ष की सजा दी गयी है और प्रोवाइजो में जज को यह अधिकार दिया गया है कि अगर वह उपयुक्त समझे तो वह सजा भी न दे। मजिस्ट्रेट या जज को कम से कम तीन साल की सजा देनी चाहिए और अगर किसी अवस्था में वह समझे तो कुछ कम भी दे। लेकिन यह नहीं होना चाहिए कि बिलकुल सजा ही न दे। और माननीय सदस्यों ने भी कहा है कि यह भावीजन नहीं होना चाहिए कि जज चाहे तो बिल्कुल ही दंड न दे।

जो सात वर्ष की सजा है मैं चाहता हूं कि उसको दस वर्ष कर दिया जाये। ऐसे हालात होते हैं कि लोग बैंकों का करोड़ों रुपया गबन कर लेते हैं। ऐसे आदमी को सजा होने पर बी० क्लास में रखा जाता है, उसको अच्छा खाना और अच्छा कमरा मिलता है। तो वह सोचता है कि अगर मुझे चार पांच साल की सजा हो गयी तो क्या, मैंने अपने घर वालों को एक करोड़ रुपया तो कमाकर दे दिया। इसलिए जहां जरूरत हो जज को अधिक दंड देना चाहिए ताकि अपराधी यह न सोच सके कि चलो दो चार साल में आ जायेंगे। इसी विचार से मैंने अपना संशोधन रखा था कि जुर्म करने वाले के मन में यह विचार न आने पावे।

Shri Thakur Das Malhotra (Jammu and Kashmir): Mr. Deputy Speaker, the Bill before the House is a piece of essential legislation and the clause under consideration is still more important, because it is the theme of this Bill that some deterrent punishment should be provided in the legislation for proved corruption. It is in a way a departure from the general policy of criminal law and, I should say, from the confidence in the judicial discretion. But it is incumbent upon us to adopt such legislation.

Unlike several free countries, we are still in the making. We have not only to develop the country in its economic aspect, but we have to build the character of the nation also. There is, of course, no denying of the fact that the public-servant class is a main class in our nation. And rightly or wrongly, there is the impression in the general public that the public service is the best profession in the country. So, a public servant earning about a hundred rupees is considered by the general public as better placed than

[Shri Thakur Das Malhotra]

a man who is earning much more than that amount in any other profession. As such, it has become a duty of the Government, and ours also, to see that the members of such a class set an example to the public at large.

We have to see that if there is any case of corruption, and it is proved and established in a court of law, then there is such effective legislation whereby he gets the most deterrent punishment. It is, therefore, necessary that for such cases the minimum punishment should be provided, as has been provided herein.

But, at the same time, when we adopt a measure which is, as I have said, a departure from the general policy of law, then by putting a certain provision which, not only mitigates, but which can, in some cases, undo what is intended by us, we defeat the very purpose of the measure. The proviso which has been provided in this very Act not only mitigates but almost takes away what is intended by us. So, I have to submit that this proviso should not be there.

16.06 hrs.

[SHRIMATI RENU CHAKRAVARTTY *in the Chair.*]

The other provision which we have to consider is clause 3(a) which, as Pandit Thakur Das Bhargava has pointed out, is a very hard one In this case we are providing something which may result in great injustice. Just as my friend has stated and advised, we must consider it with a cool head When we are providing a very hard legislation and when we want to do justice by rooting out corruption, we must see that no more injustice is done to anyone by means of the same legislation

It is not possible to find out whether the property or the wealth one has got is the result of some unlawful means, or not, but at the same time, it may not be possible for him to account for it in a court of law; it is not just in all such cases to presume that the property owned by him is acquired unlawfully and therefore it should be the basis for the assessment of the sum of fine to be imposed upon him. Where there are such doubts or such dangers, we must be very cautious in providing anything which may do some injustice. So, I beg to submit, even this provision should be reconsidered and something should be provided, which is a safeguard against the possibility of any such injustice.

There is another point. The Indian Penal Code is an Act of a general nature. It is applicable throughout India, except the State of Jammu and Kashmir. In Jammu and Kashmir State, we have got the Penal Code with the same provisions. That is called Ranbir Penal Code. My submission here is that the Central Acts of a general nature, just as the Indian Penal Code, should be made applicable to all the States. Why should there be any exemption for such Acts? I certainly admit that we have got a Penal Code which is called the Ranbir Code. When we are making a certain provision which is needed, and which is beneficial for the whole country, why should it still not be made applicable to the Jammu and Kashmir State. I beg to submit that the Government should not delay the application of such measures and such Acts to all States. Even in minor aspects, I should say that Jummu and Kashmir State should not be treated as a State different from the other States of India.

I want to cite an instance in this connection. The Sales Tax Act which is also a Central Act, has not been made applicable to the Jammu and Kashmir State just as it has been made applicable to the other States. The result of it is that the people of Jammu and Kashmir State have suffered a loss of thousands and lakhs of rupees only because of that defect in the application of the Sales Tax Act to the Jammu and Kashmir State in a

different way than in other States. My submission is that all these Central Acts which are of a general nature should be made applicable to the Jammu and Kashmir State just as they are made applicable to the other States.

With these words, I support the Bill under consideration.

Mr. Chairman: The hon. Minister.

Shri Jadhav: I have not been given an opportunity to speak. My amendments are there.

Mr. Chairman: You have moved your amendments.

Shri Jadhav: I have not spoken. My amendments are 1 and 2.

Mr. Chairman: The hon. Member will be brief. We have already exceeded the time.

Shri Jadhav: I shall be very brief.

श्री जाधव : मैंने क्लाज ३ में अमेंडमेंट १ और २ पेश की हैं। उन के बारे में मुझे कहना है कि जो सजा तय की गई है, वह दो साल से कम नहीं होनी चाहिए—वह ज्यादा से ज्यादा सख्त होनी चाहिए। पहल अमेंडमेंट के द्वारा मैंने यह सुझाव दिया है और दूसरी अमेंडमेंट कामीक्वेंशियल है। हम कहीं भी जायें, अगर हमारी गवर्नमेंट का कोई चिक होता है, तो वह घूमखोरी के बारे में है होता है—सब से ज्यादा घूसखोरी का कलंक हमारी गवर्नमेंट के ऊपर है। चाहे आप देहात में जायें, चाहे शहर में जायें, कहीं भी जायें, आज घूसखोरी सब से अहम सवाल बन गया है। अभी-अभी कहा गया है कि आजादी के बाद घूसखोरी बढ़ी नहीं है, लेकिन चूंकि हमारे महकमे बढ़ गए हैं, इसलिए मालूम होता है कि घूसखोरी ज्यादा बढ़ गई है। लेकिन आज घूसखोरी करीब करीब फैशन हो गई है। आखिरिश में जो नीचे वाले लोग हैं, उन पर इस का ज्यादा दारोमदार नहीं है। मैं कहना चाहता हूं कि इस की जिम्मेदारी दरअस्ल जो बड़े आफ़िसर हैं, जो राज करने वाले हैं, उन पर है। शादी में बरात जाती है, तो अगर बरात के दूल्हा की मां ही बदचलन होगी, तो उस की सहेलियों के बारे में क्या कहा जाय। ऐसी ही बात आज हमारी सरकार की है। अगर हमारे बड़े-बड़े अफ़सर — राज्य सम्भालने वाले लोग—ही करप्ट होंगे, तो फिर करप्शन को दूर करना एक नामुमकिन बात है। इसलिए मैं कहना चाहता हूं कि सिर्फ लैजिस्लेशन करने से ही काम नहीं चलेगा। लेजिस्लेशन करने में हमारी गवर्नमेंट सब से आगे है। दूसरे कन्ट्रीज स्पूटनिक छोड़ते हैं, तो हमारी गवर्नमेंट के कानून के स्पूटनिक बहुत सामने आते हैं, लेकिन उनको एक्शन में लाने की बात होती नहीं है। मैं कहूंगा कि अगर हम को करप्शन और घूसखोरी को रोकना है, तो इस के बारे में इस के लिए हमें ज्यादा से ज्यादा कोशिश करनी पड़ेगी।

अभी-अभी मिनिस्टर साहब ने बताया कि सिविलाइज्ड नेशन्ज में ज्यादा कड़ी सजा वही होनी चाहिए, लेकिन आज हमारी जो सोसायटी बन गई है, उसमें करप्शन करना ही सिविलाइजेशन बन गई है। ऐसे सिविलाइज्ड सोसाइटी में सजा अगर कड़ी न हो तो कोई असर नहीं होगा। हमारे सामने कुछ फ़िगर्ज पेश किए गए। मैं समझता हूं कि जो डिटेक्शन किया गया, या जो प्रासीक्यूशन्ज किए गए, वे दरया में बूंद जैसे हैं। हमारा जो एडमिनिस्ट्रेशन है, उस पर इसका कुछ असर होने वाला नहीं है।

आखिर में मैं यह फिर कहना चाहता हूं कि इसके लिए सजा कड़ी से कड़ी होनी चाहिए और अगर सजा कड़ी होगी, तो उसका कुछ असर होगा और करप्शन रोकने के लिए मदद मिलेगी। इतना ही मुझे कहना है।

Shri Datar: I shall very briefly reply to the points raised by hon. Members. In the first place, I should like to point out that I am accepting Shri Kasliwal's amendment No. 3.

In regard to admonition the amendment that I have moved is, "notwithstanding anything contained in any law for the time being in force . . ." Today, we have section 562 which deals with admonition and probation. So we cannot make any changes in any law that is still to be passed. Therefore, what I would suggest is, so far as this question is concerned, let us accept this amendment No. 26. It will serve the purpose. When, for example, the Probation of Offenders Bill comes before the House, we shall consider that question and remove the ambiguity that the hon. Member has pointed out. It is true, such expressions as 'notwithstanding anything contained in any law for the time being in force' occur here and there and when there are similar expressions in two Acts, the question is, which has to be preferred. All the difficulties in this respect would be considered when the Probation of Offenders Bill comes before the House.

Mr. Chairman: The point is, you are accepting what he has said.

Shri Datar: I have another amendment. I read it now. That amendment is to clause 4. That is exactly in anticipation of his amendment. I am meeting the principle of his amendment though in another clause.

Mr. Chairman: Provided that when the Probation of Offenders Bill comes, it will . . .

Shri Datar: That was an independent question which was raised during the discussion. You will kindly see the two amendments 25 and 26. I read them out to the House when the Deputy-Speaker was here.

> "notwithstanding anything contained in any law for the time being in force, no such person shall be released on probation or after due admonition."

It meets with the case. When the Probation of Offenders Bill comes here, we shall consider that question here and remove this ambiguity or inconsistency.

Pandit Thakur Das Bhargava wanted that the presumption which has been referred to in the Prevention of Corruption Act ought to be removed altogether. In one place, he wanted that the word 'may' should be substituted in the place of 'shall'. He also desired that it would be entirely wrong to proceed on the basis of any presumption. My answer is very short. Here, it is not an ordinary presumption. Certain things do happen. I would read to the House clause (3) of section 5 :

> "In any trial of an offence punishable under sub-section (2) the fact that the accused person or any other person on his behalf is in possession, for which the accused person cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income may be proved, and on such proof the Court shall presume . . ."

Therefore, it is not a presumption as a matter of course. Possession has to be proved and then the financial resources that he has, have to be proved to be disproportionate to his legitimate sources of income. Then, this question of presumption arises. I may also invite the attention of the House to a recent ruling of the Supreme Court where they have upheld this presumption, and they have said that evidence of unexplained assets is sufficient to base a conviction without any additional evidence of a specific offence. Thus it will be found that even this presumption has to be formed or drawn in certain circumstances. The moment there is material for such a presumption, it is open to the special

court to proceed on the basis of this presumption and to convict the man. That means the Supreme Court are fully satisfied that in a proper case such a presumption should be drawn. Therefore, the matter is not so bad or so objectionable as my hon. friend wants us to believe. Therefore, I am not accepting his amendments.

Then it was contended by one hon. Member that the minimum term of punishment should be two years. Another hon. Member from this side wanted that the minimum should be three and the maximum ten years. I have already explained the position. I have stated that the minimum ought to be one year because one year is a fairly reasonable degree of punishment, and it would be entirely wrong and vindictive if not savage to raise it to three years minimum and ten years maximum. Let us take into account the position as it is. We can leave it to the Judge. The minimum would be one year, as I have already pointed out. There are other Acts where the minimum term of imprisonment has been prescribed and there also this Parliament has prescribed that the minimum term should be one year. Therefore, it should not be two or three years. So far as the maximum is concerned, seven years is generally a maximum sentence except in two cases under the Penal Code, *viz*, death sentence and ten years. In the circumstances, seven year is a fairly heavy amount of punishment, and therefore I submit I cannot accept this amendment.

So far as Kashmir is concerned, that is a matter of constitutional position. Under the Constitution an agreement has to be reached and as the House is aware there is an agreement between the President of India and the Kashmir Government. So, matters are governed by the Constitution itself, and therefore, it would be proper to act according to the provisions of the Constitution.

Lastly, the question of sanction was referred to by Shri Tangamani. His amendment says there should be no question of sanction at all, that immediately a notice should be given. That would not be proper. It would lead to endless harassment in certain cases. Therefore, what is necessary is that before actually a prosecution is ordered, some enquiry should be made to see whether that particular officer or public servant has *prima facie* committed an offence. If this valuable restraint is removed, it is likely to lead to endless harassment and a considerable amount of blackmail. That is the reason why I cannot accept the amendment.

Shri Raghubir Sahai: You did not say anything with regard to my amendment about confiscation of property.

Shri Datar: So far as confiscation is concerned, by anticipating his argument, I have already stated that it would be entirly wrong, and perhaps in some cases it would be difficult to have confiscation as he wants, or to have attachment as Shri Tangamani wants. What has been done in this case is that it is left open to the special Judge to fine the particular offender to any amount that he likes. No particular amount has been laid down. He can take this point also into consideration.

As I have stated, confiscation is an extermely rare remedy that can be resorted to under the Code of Criminal Procedure, and there also, there would be a number of difficulties. Civil questions would be raised as to what is the extent of his property, whether he has been in possession; and all these questions would arise, and there will have to be endless litigation even, in ascertaining whether the property belongs to the particular offender or not. Under the circumstances, the better, the easier and the more appropriate remedy would be for the special Court to raise the amount of fine so as to meet the object which the hon. Members have in view.

Mr. Chairman: The question is:

Page 2, lines 10 and 11,

[Mr. Chairman]

omit "refrain from imposing a sentence of imprisonment or".

The motion was adopted.

Mr. Chairman: Now I shall put the other amendments.

The question is:

Mr. Chairman: The question is:

Page 2, line 4—

after "commits" *insert* "or attempts to commit or abets in committing."

The motion was negatived.

Mr. Chairman: The question is:

Page 2—

after line 20, *add*:

"(2B) Notwithstanding anything contained in any law for the time being in force, the property of the accused person who has committeed the offence of criminal misconduct may be attached by the order of the Special Judge."

The motion was negatived.

Mr. Chairman: The question is:

Page 2—

after line 31, *add*:

"9. Notwithstanding anything contained in any law for the time being in force or any departmental order, an employee giving information leading to the prosecution for criminal misconduct will be adequately protected from departmental or other actions."

The motion was negatived.

Mr. Chairman: The question is:

Page 2—

after line 20, *add*:

"(2B) Notwithstanding anything contained in such law, any law dealing with release of offenders on probation or after due admonition and matters connected therewith, shall not apply to any person tried under this Act or to any proceedings thereunder."

The motion was negatived.

Mr. Chairman: The question is:

Page 2—

after line 20, *insert*:

"(aa) sub-section (3) of section 5 shall be omitted;"

The motion was negatived.

Mr. Chairman: The question is:

Page 2—

after line 20, *insert*—

'(aa) in sub-section (3) of section 5,—

(i) for the words "the Court shall presume unless the contrary is proved" the words "the Court may presume" shall be substituted; and

(ii) the words "and his conviction therefor shall not be invalid by reason only that it is based solely on such presumption" shall be omitted;'

The motion was negatived.

Mr. Chairman: The question is:

Page 2, line 8—

add at the end "or confiscation of property"

The motion was negatived.

Mr. Chairman: The question is.

Page 2, lines 6 and 7,—

for "one year" *substitute* "two years".

The motion was negatived.

Mr. Chairman: The question is:

Page 2, line 12,—

for "one year" *substitute* "two years".

The motion was negatived.

Mr. Chairman: The question is:

Page 2, lines 6 and 7,—

for "one year" *substitute* "three years".

The motion was negatived.

Mr. Chairman: The question is:

Page 2, line 7,—

for "seven years" *substitute* "ten years".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 3, as amended, stand part of the Bill".

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4.—(*Amendment of section 8, Act 46 of 1952*).

Shri Datar: I have got amendments 25 and 26. So far as amendment 26 is concerned, I have already stated that I accept the suggestion of my hon. friend, but in view of the acceptance of the amendment of Shri Kasliwal, the question is whether it is necessary at all, because what has been stated therein is that a man, if he has been found to be guilty, has to be sentenced to some imprisonment. Either it must be the minimum of one year, or under the clause some other imprisonment will have to be given to him. Under the circumstances, I feel perhaps it is not necessary. Anyway, if there is any other point, I am prepared to meet them.

Shri Tangamani: We are on clause 4.

Mr. Chairman: He says by accepting amendment 3 to clause 3, this becomes redundant.

Shri Datar: Because in the case of an offender where that particular offence has been proved, he has to be imprisoned; he has to be sentenced to some term of imprisonment. The least might be one day, and the highest might be seven years. If that is the position, what my friend has in view is already achieved. Therefore, he might consider that. In that case I shall not move amendments 25 or 26. Amendment 25 is consequential.

Shri Naushir Bharucha: Unless the Government moves that amendment the position will be that any man may be released with an admonition, because as the other Act stands, it will over-rule this. That is the point I am making.

Mr. Chairman: It reads like this:

"Provided that the court may, for any special reasons recorded in writing, refrain from imposing a sentence of imprisonment or impose a sentence of imprisonment of less than one year."

Shri Datar: My point is this. In any case, in view of the acceptance of the amendment deleting the words "refrain from imposing a sentence of imprisonment or", if the special Judge comes to the conclusion that the offence has been proved, then naturally he shall have to sentence him to imprisonment. The extent of it might be anything, one day or seven years.

Shri Naushir Bharucha: It is not so. The actual effect of this will be that unless the Government give an undertaking that they are going to make some provision in the other Act, notwithstanding any language here, that Act will prevail.

Shri Datar: I shall give this assurance that when that particular Bill comes here, we shall consider this question.

Shri Naushir Bharucha: Not consider; you will have to incorporate it.

Shri Datar: Provided it is necessary.

Mr. Chairman: The point made by Shri Bharucha is this particular wording, "Notwithstanding anything contained in any law for the time being in force..." will have to be incorporated in that particular Bill when it comes up. That is the assurance which he wants.

Shri Datar: Provided it is necessary. What I am pointing out is this. I have no objection. I am in agreement with him, that is why I accepted the principle of his amendment, that such persons should not be released on admonition or on probation. I agree with him so far as that question is concerned...

Mr. Chairman: And that this will be considered at that time.

Shri Datar: But the question is whether it is necessary at all. That, of course, can be done.

Shri Nanshir Bharucha: I am satisfied with his assurance.

Shri Datar: So I am not moving amendments 25 or 26.

Mr. Chairman: There are no other amendments.

The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Shri Datar: I have got some formal amendments to clause 1 and the Enacting Formula.

Amendments made:

(i) Page 1, line 1, *for* 'Eighth Year' *substitute* 'Ninth Year'.

(ii) Page 1, line 4, *for* '1957' *substitute* '1958'.

—[*Shri Datar*]

Mr. Chairman: The question is:

"That clause 1, the Enacting Formula, as amended, and the Title stand part of the Bill".

The motion was adopted.

Clause 1, the Enacting Formula, as amended, and the Title were added to the Bill.

Shri Datar: I beg to move:

"That the Bill, as amended, be passed.".

Mr. Chairman: Motion moved:

"That the Bill, as amended, be passed.".

श्री भू० चं० जैन (कैथल) : सभापति महोदया, इस संशोधन विधेयक की सैकंड रीडिंग हो गई है और अब यह थर्ड रीडिंग स्टेज में है और शीघ्र ही यह पास हो जायेगा इसके सिलसिले में जहां मैं अपनी सरकार को मुबारकबाद देता हूं वहां मैं यह भी कहना चाहता हूं कि हमारे मुल्क में अच्छा खासा करप्शन मौजूद है । आया यह करप्शन ब्रिटिश गवर्नमेंट के जमाने से कुछ बढ़ा है या नहीं, लोगों में कुछ एखतलाफ़ है । कुछ लोग कहते हैं कि करप्शन हमारे देश में बढ़ा है तो कुछ लोगों का यह ख्याल है कि नहीं वह उतना ही है और पहले से कम हुआ है ।

श्री नाथ पाई (राजापुर) : आपका क्या अनुभव है ?

श्री भू० चं० जैन : मेरा यह खयाल है कि बाज मुहकमों में करप्शन बहुत बढ़ गया है और बाज मुहकमों में कम हुआ है । इस मौके पर मैं कुछ सुझाव गवर्नमेंट के सामने रखना चाहता हूं । यह करप्शन का मामला ब्रिटिश गवर्नमेंट के जमाने में उतना नहीं चुभता था जितना कि आज चुभता है । आज ज्यादा ही चुभता है । क्योंकि अपना राज्य है । और करप्शन वाले अपने ही हैं ।

Mr. Chairman: I should like to remind the hon. Member that in the third reading stage, every detailed

consideration of the Bill or suggestions are not permissible. Any particular point which has not been stressed in the other readings might just be made now.

श्री यू० एं० बंग : मैं उसी की तरफ आ रहा हूं। थर्ड रीडिंग के मौके पर इसके एम्पलीमेंटेशन का सवाल ज्यादा है कि कैसे गवर्नमेंट इस लेजिस्लेशन को एम्पलीमेंट करे। इस सिलसिले में यह बताना जरूरी है कि इसी मजमून पर पहले जो क़ानून थे उनके एम्पलीमेंटेशन में क्या कसर रही और अगर वही हालात दुहराये गये तो जैसे कि मेरे से पहले एक दोस्त ने कहा वही बात होगी कि मर्ज बढ़ता गया ज्यों ज्यों दवा की। अगर इस बात इस तरह से कानून रोजाना बनाते जायें और उसके साथ साथ करप्शन भी बढ़ता जाय तब तो इस ऐवान और हुकूमत को सोचना होगा कि आखिर यह क्या तमाशा है क्योंकि यह बात साफ़ है कि कोई भी इनक़लाब हो, क्रान्ति हो जब तक देश में करप्शन बंद नहीं होता तब तक वह कामयाब नहीं हो सकता है और करप्शन अगर चलता रहे तो वह उस इनक़लाब को खा जाती है।

इस सिलसिले में मैं यह कहना चाहता हूं कि एक पटवारदार, तहसीलदार या कोई बड़ा अफ़सर करप्शन करता है रिश्वत लेता है तो उसकी तरफ़ हम झपटते हैं लेकिन हम देखते हैं कि आज मुल्क में चारों तरफ़ राजनीतिक करप्शन चल रहा है। जब एक एम० पी० की हैसियत से अथवा मिनिस्टर की हैसियत से हम करप्शन करें तो हम किस मुंह से किसी अफ़सर को उससे रोक सकते हैं। जब तक यह पोलिटिकल करप्शन नहीं रुकेगा तब तक आफिशियल लेविल पर करप्शन रुकने वाला नहीं है। इसलिए पहली चीज गवर्नमेंट को यह करनी चाहिए कि देश में सरकारी अफसरान के अलावा जितने भी नान आफिशियलस हैं चाहे वे किसी पार्टी सभा के एम० एस० ए० हों अथवा एम० पी० हों या मिनिस्टर हों उन में पोलिटिकल करप्शन न हो क्योंकि इसके बगैर हम जो काम करना चाहते हैं उसमें कामयाब नहीं होंगे।

दूसरी बात मैं यह कहना चाहता हूं और वह भी जरूरी है यह मेरे तजुर्बे की बात है कि छोटी लेविल के अफ़सरान रिश्वत लेते हैं और बड़े अफसरान प्रायः उनको प्रोटैक्ट करते हैं और इस तरह वे इस भ्रष्टाचार को निकलने नहीं देते। होना यह चाहिए कि ऊपर के अफ़सरान या तो अपने नीचे वालों के करप्शन को खुद नोटिस में लायें और उन को सजा दें लेकिन अगर वे खुद ऐसा नहीं करते और उनके मातहत लोग यदि पबलिक के कहने पर पकड़े जाते हैं तो उन को मुजरिम करार देना चाहिए और सजा देनी चाहिए। जब तक यह बात नहीं की जायेगी, करप्शन रुकने वाला नहीं है। पंजाब में जहां पर कंसालिडेशन का काम शुरू है उसमें करप्शन की बेहद गुंजायश है। पंजाब के किसान उसके कारण बहुत घबड़ाते हैं और वह इस परेशानी से बचने के लिए पटवारी और तहसीलदार को रिश्वत देते हैं। पंजाब में इस मुहकमें में काफी रिश्वत थी लेकिन अब वह रिश्वत कम हो गई है। उसका कारण क्या है? वहां रूल्स में यह प्रोवाइड किया गया है कि अगर पटवारी रिश्वत लेता है और अगर उसकी रिश्वत को गिरदावर जो उस के ऊपर का अफसर है वह अफसरान बाला के नोटिस में नहीं लाता, तो पटवारी अगर पकड़ा जाता है तो गिरदावर को भी सजा दी जाती है। जब तक यह बात नहीं होगी तब तक करप्शन रुकने वाली नहीं है।

मैंने देखा कि अभी हमारे दातार साहब ने उस तरमीम पर जिसमें लीस्ट पनिशमेंट एक साल के बजाय तीन साल करने को कहा गया था उसकी उन्हों ने मुखालिफ़त की।

[श्री मू० चं० जैन]

उन्होंने फरमाया था कि यह तो बहुत विडिक्टिव होगा।

इसी तरीके से सैक्शन की तरमीम के बारे में उन्होंने कहा कि अगर यह सैक्शन का प्राविजन नहीं रहा तो यह तो ब्लैकमेलिंग हो जायेगी। इसी तरह कनफ़िसिकेशन की तरमीम के बारे में उन्होंने कहा कि यह तो बहुत एक्सट्रीम स्टेप होगा। तीनों तरमीमों के बारे में जो जवाब हमारे आनरेबुल मिनिस्टर ने दिया है उनको जब जुडिशिएल अफ़सरान जो कि करप्शन के केसेज को ट्राई करने वाले हैं, पढ़ेंगे तो मैं जानना चाहता हूं कि कौन सा ऐसा मजिस्ट्रेट या स्पेशल जज होगा कि किसी करप्ट अफसर को एक साल से ज्यादा सजा देगा ? वह भी तो यही समझेगा जैसा कि खुद हमारे आनरेबल मिनिस्टर ने कहा कि उसको एक साल से ज्यादा की सजा देना विडिक्टिवनैस होगी...

एक माननीय सदस्य : माननीय मन्त्री ने बारबरस कहा है।

श्री मू० चं० जैन : ठीक है मैं माननीय सदस्य का शुक्रगुजार हूं कि उन्होंने मुझे वह शब्द याद दिला दिया। होम मिनिस्टर ने एक साल से ज्यादा करने वाली तरमीम को रिजैक्ट करते हुये उसे बारबरस कहा है।

Shri Datar: My hon. friend has misunderstood me . . .

Mr. Chairman: The hon. Minister can say it later.

श्री मू० चं० जैन : मैं कहना चाहता हूं कि यह एक एटीच्यूड है जो कि जुडिशिएल अफ़सरान के सामने जायगा और यह अक्सर देखा गया है कि जब कानून के इंटरप्रेटेशन का उनके सामने सवाल आता है और कुछ शब्दों में गड़बड़ी होती है तो वे पार्लियामेंट के डिबेट्स का भी हवाला देते हैं कि इस कानून का इंटैंशन क्या था और इस कानून के बनाने वालों का इरादा क्या था। अगर होम मिनिस्टर यह कहते कि चार आने की Embezzlement पर भी एक साल से ज्यादा की सजा दी जानी जरूरी है, तो ऐसा कानून बनाना ज्यादती होगी। तो मैं उनका यह आर्गुमेंट किसी हद तक मान सकता था लेकिन वह यह आर्गुमेंट न देकर यह कहें कि कम से कम सजा तीन साल रखना बारबरस है यह विडिक्टिव है, मैं उसको मानने को तैयार नहीं हूं। अगर वह इस एक साल की मियाद को बढ़ाने वाली तरमीम को विडिक्टिव और बारबरस समझते हैं तो इस देश में करप्शन कैसे रुक सकता है। मैं कहना चाहता हूं कि इस करप्शन को रोकने का मनासिब ढंग से इन्तिजाम करना होगा। यह सरकार सोशल फील्ड में और इकानमिक फील्ड में बहुत अच्छा काम कर रही है। यदि (Corruption) न रुकी तो सारा अच्छा काम धरा धराया रह जावेगा। मैं एक बात और कहना चाहता हूं . . . . .

Mr. Chairman: Hon'ble Member must conclude now.

श्री मू० चं० जैन : मुझे तीन चार मिनट और दीजिये। यह करप्शन कैसे रुक सकता है ? हमारे एडमिनिस्ट्रेशन में एक "प्रो-रिच एटीट्यूड" फैली हुई है, अमीर की रियायत की जाती है, गरीब की सहायता नहीं की जाती। इस प्रो-रिच एटीट्यूड को आप किस तरह से रोकेंगे ? अभी पिछले दिनों ए० आई० सी० सी० की तरफ से लैंड रिफार्म के बारे में एक पैमफ्लैट जारी किया गया है जिस में दिखाया गया है कि स्टेट्स में जो लैंड लैजिस्लेशन पास हुए हैं वे ५० की सदी भी इम्प्लीमेंट नहीं हुए।

अफसर तो जो कानून बनते हैं वे ही लंगड़े लूले होते हैं और फिर कलक्टर आदि अफसर इनको ठीक तरह से इम्प्लीमेंट नहीं करते। मैं तो कहना चाहता हूं कि इस चीज को भी करप्शन समझा जाना चाहिए। आज हमारे देश का ध्येय सोशलिस्ट पैटर्न है। कोई भी अफसर जो उस ध्येय के विरुद्ध कार्रवाई करे उसके इस काम को भी करप्शन समझा जाये। जब तक आप इसको करप्शन नहीं समझते तब तक इस के लिए आप सजा नहीं दे सकते। ऐसे अफसर को देश का ट्रेटर समझा जाना चाहिए। आज कितने ऐसे अफसर हैं? अगर मैं उनका परसेंटेज बतलाने लगूंगा तो मेरे दोस्त कहेंगे कि मैं बहुत बढ़ाकर बतला रहा हूं। लेकिन आज हर जगह यह प्रोरिच एटीट्यूड है। इसलिए मैं कहना चाहता हूं कि यह भी करप्शन का मामला है। यह खुशी की बात है कि पुराने कानून में जो कमी है उसको आप दूर करने की कोशिश कर रहे हैं। लेकिन आप वकील हैं, आप जानते होंगे, मैं भी एक छोटा मोटा वकील हूं। इसलिए मैं भी जानता हूं कि इस सैक्शन की बिना पर हजारों गुनहगार बचे हुए है। जब मैं एक नान आफिशियल की हैसियत से जुर्म करता हूं तो मुझे फौरन पकड़ लिया जाता है। लेकिन सरकारी अफसर को पकड़ने के लिए सैक्शन की जरूरत होती है। मैं चाहता हूं कि यह सैक्शन कतई उड़ा दी जाये।

हमारे यहां पंजाब में भाखरा में बड़े बड़े अफसरों ने रिश्वत खाई। चीफ-इंजिनियर तक पकड़े गये। लेकिन इस सैक्शन के परदे में सैकड़ों अफसरों को छुपाया गया। दस बीस मुकदमे चले लेकिन जब बड़े बड़े मगरमच्छ फंसने लगे तो उनको सैक्शन के बहाने प्रोटेक्शन दिया गया और चार चार पांच पांच साल से केसेज पेंडिंग पड़े हुए हैं। यह कोई छोटी मोटी चीज नहीं है। मैं यह वार्निंग देना चाहता हूं कि अगर इस करप्शन को तेजी से रोकने की कोशिश नहीं की जायेगी तो जो इनकलाब हम अपने देश में लाना चाहते हैं वह नहीं आयेगा और फेल हो जायेगा। जो अमेंडमेंट बिल है वह तो पास हो ही जावेगा। लेकिन मैं चाहता हूं कि इसके इम्प्लीमेंटेशन के दौरान में सरकार इंस्ट्रक्शनस के जरिये और रूल्स के जरिये इस अजदहे को जो कि मुंह फाड़े खड़ा है और हमको खाना चाहता है उसको खत्म करने की कोशिश करे।

Shri Datar: I am extremely sorry that my hon. friend has misunderstood what I have stated. It is perfectly open to a Magistrate to give any punishment according to the case. It may be one year; it may be seven years according to the first clause or it may be even less than one year. That is entirely a matter for judicial discretion. He has not properly understood my point. Putting down a minimum of three or two years would be a different thing. It is not that in all cases the magistrates or special judges would award only one year. It is entirely a wrong notion. Let my hon. friend understand it quite clearly. It is perfectly open to the special judge to sentence him properly. What we have stated is that when the offence has been proved, the minimum ordinarily ought to be one year and not less than one year. That is the principle that we have laid down. No maximum has been laid down. Let not the hon. Member misunderstand me in this matter.

So far as the question of sanction is concerned, it may be found that this is a case in which after the prosecution has been filed, there would be a presumption. If the man has unaccountable things, then evidence will have to be led. In all these things, sanction is necessary. In the ordinary offences, there is no question of sanction at all. You have

[Shri Datar]

to take into account the principle that there ought to be some enquiry. Merely because some man comes and makes a complaint, it would not be the basis for prosecution, especially in regard to such offences. Before the Government gives the sanction, it makes an enquiry and the moment it is satisfied that there is a *prima facie* case, it grants the sanction. In the absence of sanction, it would be understood that there is scope for harassment of the officer if the officer is honest. This question is fully taken into account and sanction is not refused when there is a good case. Let not my hon. friend misunderstand what I have said in a very proper manner.

Shri M. C. Jain: There is an enquiry in every cognizable case.

Mr. Chairman: The question is:

"That the Bill, as amended, be passed".

The motion was adopted

INDIAN RESERVE FORCES (AMENDMENT) BILL

Mr. Chairman: Let us now take up the Indian Reserve Forces (Amendment) Bill.

Shri D. C. Sharma (Gurdaspur): What is the time allotted for this Bill?

Mr. Chairman: One hour.

The Deputy Minister of Defence (Sardar Majithia): I beg to move:

"That the Bill further to amend the Indian Reserve Forces Act, 1938, as passed by Rajya Sabha, be taken into consideration".

While moving for consideration of this Bill, I have to say only a few words. The reserve liability of a man comes in because of his peculiar terms of his service. In some cases, a man when he joins up, has to put in eight years of call-up service followed by seven years of reserve service, whereas in certain services he joins up for nine years call-up service followed by six years of reserve service. When he goes to the reserve which he has to, because the terms of service are such, he is given a retaining fee of Rs. 10 which means that he has to seek alternative employment for the rest of his useful life.

Now, at the outset, I must say that the employers have mainly been very helpful but there are a few employers who, finding that the particular person is liable to be called up or called up for having training for a particular number of days in a year, feel hesitant to re-employ him or reinstate him in the service that he was in. It is, therefore, that it has become necessary for the Government to bring in this Bill to give a statutory safeguard to the reservists. When a reservist has completed his training or if he is called up for service in an emergency and has completed that period of service, and when he goes back, the employer may not say "No" to him but he has to employ him on conditions which are not less favourable to the employee when he left service

Therefore, with these few remarks, I would commend this motion for consideration of the House.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Indian Reserve Forces Act, 1938, as passed by Rajya Sabha, be taken into consideration".

Before we proceed, I think we better make clear the time allotment. One hour has been allotted for the Bill. How much for the general reading and how much for the rest? What is the desire of the House? We have to be careful. There are 11 amendments to the Bill. I suggest that probably it will be better—I do

not think there is much difference of opinion regarding the Objects and Reasons—if we can have a shorter period for general reading and a longer period for the clause-by-clause consideration.

Shri Jadhav (Malegaon): Half an hour for general discussion and half an hour for clause-by-clause consideration.

Mr. Chairman: Yes; I take it that it is the general desire of the House,—half an hour for general discussion and half an hour for clause-by-clause consideration.

Shri Hem Barua (Gauhati): I have just gone through the Statement of Objects and Reasons to this Bill. This Bill seeks to impose a statutory liability on the employers to afford necessary protection to members of the Reserve Forces in civil employment. I welcome this Bill, because this is a commendable idea, and the provisions of this Bill carry us forward to a certain extent, but that is not the end of the high way. Unless and until we make the members of the Reserve Force enthusiastic and cheerful, we may not be able to make things as attractive as possible.

Somehow or other, it has not been made so. This army was modelled on the British pattern and that pattern was for the purpose of nourishing an empire. Now the objective has changed, and with the change of the objectives, there is change of the psychology as well. We do not want to nourish empires. But we want to defend our country for the security of this country. For that sufficient enthusiasm has to be instilled in them.

Originally, this Act was passed in 1888. Now we have become free for over ten years.8 It is only now, after a period of ten years, that this Bill has been introduced in this House. I would say that this is an important matter, and being an important matter, it should have been placed before the House long ago. Then, the argument that might be offered by the Defence Ministry would be that the Parliament was very busy with other legislations and that is why Parliament could not find the time to consider this Bill. But I would say that when Parliament found time to introduce tons of legislation in this House, it should have found time to introduce this Bill also, not today but some years before.

Then, Sir... (*laughter*).

Mr. Chairman: The hon. Member may address the Chair as he desires, either as Sir or as Madam.

Shri Hem Barua: In the Statement of Objects and Reasons, one sentence reads as follows:

> "Reservists of the Indian Army are liable to undergo periodical military training and also to be called up for service in the event of an emergency."

This is a very laudable idea because, as I said, we have to protect our frontiers. So, at the time of emergency, Government has the right to call upon people to join the forces. In that light, the Reserve Force is a very welcome thing.

But, at the same time, we have to see that sufficient enthusiasm is created in them. Here it is stated that they will be given Rs. 10 per month. I say this is a very meagre provision. The Defence Minister calls it "retaining fee". By whatever name you might call, a rose is a rose and will smell the same. In the same way, by whatever perfumed phraseology you might call an act of injustice it will stink.

I say this is an injustice. It is a very meagre sum. You might call it a retaining fee. At the same time, it is not enough for the reservists. It cannot create the necessary climate or enthusiasm or inspiration.

At the same time, in the Statement of Objects and Reasons, it has been admitted that it will be essential for them to take up civil employment.

[Shri Hem Barua]

Now, in these days of mounting unemployment, can Government assure them that they would be fruitfully employed. Government cannot give them that assurance. Government wants the reservists with a retaining fee of Rs. 10/- a month to fall back on civil employment. So, the crux of the problem is that Government cannot assure them civil employment.

About the non-technical personnel, there might be some chance of their getting employment. But, so far as gun-men are concerned, so far as sappers and other technical and skilled people are concerned, it would be very difficult for them to find out alternative employment.

That has to be taken into account as well.

There are certain provisions here which are calculated to give relief to the reservists. But, I find that many of the provisions enacted here are mitigated by other provisions which run counter to the whole thing. For instance, there is provision in clause 7(1) which says:

> "If a person belonging to the Indian Reserve Forces is, during the period of his employment under an employer, called up for training, muster or Army service in pursuance of his liability under any rule or order under this Act, it shall be the duty of every such employer to reinstate the person in his employment on the termination of the period of his training, muster or army service in an occupation and under conditions not less favourable to him than those which would have been applicable to him had his employment not been so interrupted:"

This is a fine provision. But, then, this provision is mitigated by the other provisions. Here is one.

> "Provided that if the employer refuses to reinstate such person or denies his liability to reinstate such person, or if for any reason, reinstatement of such person is represented by the employer to be impracticable, either party may refer the matter to the authority prescribed in this behalf by rules made under this Act, and that authority shall, after ....."

There is this provision of referring it to an authority.

I know the history of this in the U.S.A. There, always priority is given in the courts of law to such cases. At the same time, in such cases, no court fees are charged. Here, we do not have any provision like that. For instance, a Nayak gets a princely pittance of Rs. 30 a month. For him to go to a law court, — it is well known that expenses in law courts are unbearable —or for a reservist who gets a retaining fee of Rs 10 a month to go to a court of law and fight for his legitimate rights is not possible. There should be some provision here as the provision in the U.S.A. where top priority is given to such cases and at the same time, court fees are not charged at all.

In the U.S.A, there is another thing If a man is re-employed, he cannot be dismissed for at least a year. There is no provision like that in this Bill. A man may, under the provisions of this Bill, be re-employed. But, after a period of two months, his services may be dispensed with. We should have some provisions here so as to ensure him security of service at least for a period of one year.

I think sub-clause (3) of clause 7 should be deleted. It mitigates clause 7. Sub-clause (3) says:

> "In any proceeding under this section, it shall be a defence for an employer to prove that the person formerly employed did not apply to the employer for reinstatement within a period of two months from the termination of the period of his training, muster or army service."

In the U.S.A., the period allowed is 90 days. At the same time, when the man lies in hospital, he is given a period of one year to apply for reinstatement after release from the hospital. Here, the two months period is a meagre time in the sense that the man may not be able to apply for reinstatement within this period.

At the same time, according to the Payment of Wages Act, 15 days' gratuity for every year of service put in is payable. But, here, there is no provision like that, for payment of gratuity. There is another loophole in this Bill about the closure of the establishment. The establishment may be closed in the meanwhile. A man may be called for emergency service, but the establishment may be closed in the meanwhile. He loses his provident fund benefit and the benefit of re-employment.

Therefore, my own argument is, this is a commendable Bill though a belated Bill. At the same time, there are so many loopholes that the reservists, instead of getting relief, are likely to be faced with innumerable and enormous odds. Therefore, I feel that this Bill, because the purpose of it is to bring relief to the reservists, must be so ordered or amended that the reservists may actually get relief and his retaining fee increased and he may get employment and protection in his employment.

Shri Warior (Trichur): I welcome the object of this Bill, but at the same time I concur with the last speaker that it is a very belated measure.

The question is the difficult position of these reservists who seek employment in the civil services. If the Government steps in to employ these reservists, or give them priority in the public sector, many of them would have been absorbed. In the private sector also, wherever the Government give aid, they could have insisted upon these reservists being taken and priority in employment being given to them. That not being done, many reservists are now without employment. At the same time, the provision that they may be called for training or for emergency purposes also deters employers from employing them because many employers do not want a break in the service of their employees.

Mr. Chairman: The hon. Member may continue tomorrow.

17 hrs.

(The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 13th February, 1958)

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MOTION FOR ADJOURNMENT 363—70

The Speaker withheld his consent to the moving of an adjournment motion given notice of by Shri Braj Raj Singh regarding the strike by students of Delhi Polytechnic and Technical Higher Secondary School, Delhi as a result of suicide committed by a student.

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PAPERS LAID ON THE TABLE 370-71

The following papers were laid on the Table:—

(1) A copy of the letters exchanged between the Finance Minister and the High Commissioner for the United Kingdom setting out the agreement reached on certain modifications in the Sterling Pensions arrangements of 1955.

(2) A copy of each of the following statements showing the action taken by the Government on various assurances, promises and undertakings given by Ministers during the various sessions shown against each:—

(i) Supplementary statement No. I	Third Session, 1957 of Second Lok Sabha.
(ii) Supplementary Statement No. VII	Second Session, 1957 of Second Lok Sabha.
(iii) Supplementary statement No. VIII	First Session, 1957 of Second Lok Sabha.
(iv) Supplementary statement No. VII	Fifteenth Session, 1957 of First Lok Sabha.
(v) Supplementary statement No. XV	Thirteenth session 1956 of First Lok Sabha.
(vi) Supplementary statement No. XIX	Twelfth Session, 195 of First Lok Sabha.

PETITION REPORTED 371

Secretary reported the receipt of a petition signed by a petitioner in respect of the Indian Railway Act, 1890.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE .. 371-72

Shri N.R. Munisamy called the attention of the Minister of Food and Agriculture to the smuggling of rice from Andhra Pradesh and consequent increase in the prices of rice. The Minister of Food and Agriculture (Shri A.P. Jain) made a statement in regard thereto.

Subject Columns

SATYAGRAHA RE: GOVERNMENT BUSINESS 372—75

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) made a statement regarding Government Business to be transacted during the Current Session.

STATEMENT BY MINISTERS .. .. ..

(i) The Minister of Defence (Shri Krishna Menon) made a statement regarding the crash of an I.A.F. Liberator type aircraft near Coimbatore on the 6th February, 1958.

(ii) The Minister of State in the Ministry of Transport and Communications (Shri Raj Bhadur) made a statement correcting the reply given on the 16th December, 1957 to a supplementary on Starred Question No. 1142 regarding interest on loans to shipping companies

REPORT OF BUSINESS ADVISORY COMMITTEE ADOPTED 3376-78

Seventeenth Report was adopted

BILL PASSED .. .. 380—493

Further discussion on the motion to consider The Criminal Law Amendment Bill, continued. The motion was adopted. After clause by-clause consideration, the Bill was passed as amended.

BILL UNDER CONSIDERATION .. .. .. 493—500

The Deputy Minister of Defence (Sardar Majithia) moved the motion for consideration of the Indian Reserve Forces (Amendment) Bill. The discussion was not concluded.

AGENDA FOR THURSDAY, 13 H FEBRUARY, 1958

Discussion on the motion of thanks on the President's Address.